

**MINUTES OF THE RECESSED MEETING OF DECEMBER 9, 2008
AND SPECIAL MEETING OF DECEMBER 15, 2008
OF THE TOWN COUNCIL
TOWN OF CAROLINA BEACH**

December 15, 2008

The Town Council of the Town of Carolina Beach met in a special session on December 15, 2008 at 4:00 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. Also this was a continued meeting from the regular meeting that was held on December 9, 2008. The following were present: Mayor Joel Macon; Councilman Alan Gilbert; Councilwoman Pat Efird and Councilman Jerry Johnson. Also present were Town Manager Tim Owens and Town Clerk Lynn Prusa.

Mayor Macon called the meeting to order.

ANALYSIS OF FIRE APPARATUS BIDS AND DISCUSSION OF FIREFIGHTER BENEFITS

Fire Chief Rorie made the presentation. He stated there was a formal bid opening on December 11, 2008 and this is a continuation of the November 10th meeting. The primary purpose today is to look at their apparatus. They received 15 bids for the replacement of 1984 75' squirt. There are a lot of things currently missing on this apparatus due to its age and no way to upgrade it. It must be replaced. An equipped aerial ladder is \$700,000. Bids ranged from \$674,688 through \$832,208. The town bid for both demo units or stock units and as-built units which created quite a spread in terms of the different apparatus. Bottom line on financing is if they used a 20 year period at 4% interest rate on the low bid of \$674,688 there would be an annual debt service of \$49,056 for a total cost of \$981,234 and a first payment due FY 2009/2010 budget fiscal year and can create some advantages for us. An equipped aerial platform is \$900,000. What they tried to do with the spec process was to compress. They put some things on the ladder to address some of the concerns of personnel. They also took some things off of the platform to compress those costs and allowed the demo models and stock units. Platform bids ranged from \$726,441 through \$998,852. During the process they put out 88 pages of specifications and 96 man hours of bid review. They came to a generalized consensus of what is in the best interest of the citizens which brought them to a recommendation of awarding the bid to Rosenbauer, identified as the lowest responsible bidder. It is a 101' platform. The closest platform is over 200 miles away. Rosenbauer is aggressively seeking their business and locate on the east coast. They would be maintained and serviced locally out of a Rocky Mount plant and mobile service unit. They are getting more truck than what they are actually paying for. The financing plan for \$726,441 at 4% for twenty years would have an annual debt service of \$52,824. The total cost with interest of \$330,060 would be \$1,056,051. The difference between the ladder and the platform is roughly \$75,000 or \$3,764 per year. First payment due would be FY

2009/2010. His argument from November 10th to today hasn't changed but he agrees that the small cost spread between the two is well worth the difference because of the aging work force and the use of an elevator vs. stairs. They are seeking permission to award the bid to Rosenbauer for a new aerial platform but they are also proposing an alternative financing plan by using the \$100,000 capital outlay from the FY 2008/2009 for the debt service, convert that money in our current year's budget and purchase those things on the front end rather than financing them on the back end. This would lower the cost to \$954,696 with a potential savings of \$32,000 over the 20 year period. Because interest rates are dropping, they are probably looking at 15 years vs. 20 years costing about \$10,000 more a year to do that. With regard to the current apparatus, neither low bid offered a trade option. Others were very low and he does not feel it is a viable option. He would like to see the town eventually declare the aerial apparatus as surplus and advertise it as such. They could also donate it or use it internally for training for ISO points. Engine 1292 creates ISO evaluation problems which he reviewed. He proposed transferring the reserve engine to Kure Beach which will give us a potential of gaining 4 points toward ISO evaluation that they currently can't get and gaining additional bay space for possible sleeping quarters. The question is whether this is doable between two local governments with an inter-local agreement. He has discussed this with the Kure Beach fire chief. There will be a question of who maintains it, pays insurance, who replaces it. If they keep it they will be looking at replacing it in about 5 years. It is an option with which they can gain the most points for but there are other issues which need to be addressed. It comes down to a policy decision and a financial decision in terms of can we afford to move forward. He needs some direction in terms of how they want to push that, how they want to move forward, whether to approach it with the town manager, look at it as an inter-local agreement. Right now the actual step is the award of the bid and looking forward in terms of what to do with the rest of their trucks in terms of capital outlay.

Councilwoman Efirm made a motion to award the platform bid to Rosenbauer for \$726,441 and take this year's debt service to buy the equipment. MOTION CARRIED UNANIMOUSLY.

Tim Owens said they will come back for the financing part which they will probably see in January. They will go ahead and initiate and execute contracts. Chief Rorie said they will need to execute the contract by December 31, 2008.

FIREFIGHTER BENEFITS

Chief Rorie said they discussed at the November 10th meeting the possibility of extending some limited benefits to the volunteers, paid-per-call members. Staffing hasn't changed, impacted day-to-day with standards and regulations and they are looking at how to do this long range. His goal is to maintain a functional combination fire department and that it is the most effective and cost effective way to provide fire protection. He reviewed the paid-per-call benefits recommendation (*see Exhibit 1*) which would help create a long term commitment. Minimum requirement, in terms of participation, outlines 35% of

costs and 9 hours of training. By doing that, what they are asking is for Council to authorize the annual pension to the NC Fireman's Pension Fund of \$120 per member annually for a total cost now of \$3,840 and would like to fund that as early as January. They would also like to look at incentives for call-pay training, longevity pay, tuition reimbursement, internship/sleeper program to provide additional staff during night hours. At the November 10th meeting he stated he would like two full-time positions, part-time position at night to have continuity regarding staffing which would cost an additional \$150,000 a year. Since then it has been determined how they could accomplish the same goal at reduced costs without sleeper slope mechanisms and encourage personnel to maintain their activity level. That would be represented in a sleeper program with a stipend vs. a full-timer which has the potential for putting 3 on duty at night for approximately \$30,000 per year. Additionally he discussed part-time retirement benefits and the possibility of extending the 457 Supplemental Pay to members in good standing of 5 years but it will need more research and would like to bring it up at the next budget. Action steps: they would like to set up the pension fund on a calendar year starting in January so that January through December would constitute a full year. They already have that in place. The pension fund benefit for the department members would total \$3,840. They also need a meeting to review alternatives to station upgrade and traffic pre-emption on Dow Road.

Mayor Macon made a motion to approve the \$3,840 for the pension fund benefits for the Fire Department members realizing that it is coming from savings within the department and that it could be a funding issue for next year. MOTION CARRIED UNANIMOUSLY.

CONSIDER ADOPTING RESOLUTION NO. 08-948 IN SUPPORT OF JOINING A NEWLY FORMED COASTAL CONSORTIUM TO AFFECT CHANGE IN STATE LAWS FOR INLET AND BEACH STABILIZATION

Tim Owens said this was discussed last Tuesday and he has created a resolution for Council to take a look at and consider. In joining the town would volunteer \$10,000 to assist in the effort. If Council decides they don't necessarily like the mission and charge, we don't necessarily have to send them a check.

Steve Coggins said that current commitments are verbal from the Village at Bald Head Island, Deer County at \$15,000, Nags Head at \$10,000, Ocean Isle Beach at \$10,000, Holden Beach at \$10,000, Topsail Beach at \$2,500, North Topsail Beach is going to commit - amount not yet known, and is a work in progress with respect to the other beaches as well.

Councilwoman Efird made a motion to adopt Resolution No. 08-948.

Steve Coggins said the resolution is supporting the concept with no obligation to anything in particular or to cut any money. The town is simply supporting the concept that it is appropriate for certain communities that are proximate to key sand management

areas for their continued survival to assure they are getting appropriate attention from the CRC as well as the legislature. It is not drawn up yet and would not ask any staff member to propose commitment until that is known but to have a sense of a resolution in support of going forward gives the people who want to try to assume some leadership to proceed forward.

Mayor Macon made a motion to authorize the town manager that the Town of Carolina Beach is interested in this type of consortium but needs more information to be able to make a final decision on what the consortium's intent and additional information regarding the consortium so that we can make a final decision on whether or not it is something we would consider joining but we are interested in what they are undertaking.

Councilwoman Efirm withdrew her motion to adopt Resolution No. 08-948.

Council voted on Mayor Macon's motion. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER ADOPTING RESOLUTION NO. 08-945 IN SUPPORT OF THE PLANNING AND CONSTRUCTION OF A MULTI-USE PATH SYSTEM IN CAROLINA BEACH

Mr. Owens said this is a draft. He thinks they basically adopted the resolution the other night at the meeting but it is more in support of the actual multi-use path presented the other night. He noticed a couple of typos and he wanted to get together with Michael Kirkbride and make sure it says what they want it to say. One of the things they decided that was important was that there be interconnectivity across the bridge and he understands there has been some discussion with DOT about that as well and that is in here, as well as interconnectivity within town and other parts of the island.

Councilman Gilbert made a motion to approve Resolution 08-945 (*Exhibit 2*) in support of the planning and construction of a multi-use path system in Carolina Beach. **MOTION CARRIED UNANIMOUSLY.**

REVIEW AND APPROVE A LETTER TO LOCAL STATE REPRESENTATIVE AND SENATOR CONCERNING ROT FUNDS FOR CROSSOVER AND INLET MAINTENANCE, SUPPORT LEGISLATION TO ALLOW ORDINANCE FOR REQUIRING MOTOR VEHICLES TO STOP FOR PEDESTRIANS CROSSING THE STREET, AND POTENTIAL GRANTS FOR LAKE DREDGING AND OTHER PROJECTS

Mr. Owens said he has drafted two letters, one for Senator Julia Boseman and Representative Danny McComas. The letter addresses two items: (1) create legislation that would require motorists to yield to pedestrians when approaching a right-of-way to cross and initiatives there, and (2) to create legislation that would allow the town and

county to use room occupancy tax to either partially fund or fully fund dredging of Atlantic Intracoastal Waterway. Some of the others included of a more generic nature were: the support of the Master Development Plan; the support in it's negotiations with the aquarium pier; assist the town in receiving funds from the NC Clean Water Management Trust Fund and the NC Division of Water Resources for Carolina Beach Lake dredging; and continuing to support funding to agencies that provide grant funding for small towns to receive water/sewer grants. He would like to send out these letters with the Mayor signing them if Council is interested. He said he would talk to Dave Weaver to see what he recalls.

Mayor Macon said concerning item 2, the problem is when you start to mess with the 3% ROT situation, nobody wants to do it because when you open up that legislative can of worms it could come back and bite you. He said maybe ask for clarification, but not to create legislation. He said that may be what the money is already there for and we just need some clarification. Council was in general agreement that clarification is needed. The Mayor suggested to change the wording to "create/clarify". Councilman Gilbert suggested looking at the county attorney's interpretation on that. Mr. Owens said he will talk to Dave Weaver.

Mayor Macon made a motion to approve the letters with the addition of clarifying item number 2. MOTION CARRIED UNANIMOUSLY. Mr. Owens said he understands and he will leave legislation in and/or clarify the current law.

REVIEW AND APPROVE A LETTER TO FEDERAL AND STATE POLITICAL LEADERS REQUESTING SUPPORT OF TOWN'S MASTER DEVELOPMENT PLAN TO ASSIST IN RECRUITMENT OF A MASTER DEVELOPER AND GRANT OPPORTUNITIES TO ASSIST IN IMPLEMENTATION

Tim Owens said this is another item that Bob Blocher brought to the Mayor's attention. Mr. Owens drafted a letter to see if Senator Burr, Kay Hagan and whoever else you might want to send it to for letters of endorsement for our Master Development Plan. It would go to McComas and anybody else in New Hanover County as well.

Councilwoman Efirid made a motion to send this letter. MOTION CARRIED UNANIMOUSLY.

REQUEST FOR CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT AND REAL ESTATE IN COMPLIANCE WITH NCGS 143-318.11(a) 3 and 5

Mayor Macon made a motion to go into closed session to discuss attorney/client and real estate matters according to NCGS 143-318.11(a) 3, and 5. MOTION CARRIED UNANIMOUSLY.

Mayor Macon made a motion to return to open session. **MOTION CARRIED**

UNANIMOUSLY.

Steve Coggins requested that the record reflect that the Council went into executive session to discuss claims that have been presented on behalf of Wells and Bluewater and that, with respect to those meetings, Mayor Macon excused himself from those discussions and that present, during executive session, were the remaining members of Council and the town attorney and that Mr. Wilcox is not present for this particular Council meeting nor for the period of open session nor in closed session and no other action was taken. Letters are going to be sent to legislators and contact is also going to be made with representatives of DCM regarding whether or not there could be accommodations made in the existing proposed regulations on setbacks.

ADJOURNMENT

There being no further business, **Councilwoman Efird made a motion to adjourn.**
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____