



# TOWN COUNCIL MINUTES

## SPECIAL MEETING

**March 15, 2017**

The Kure Beach Town Council held a special meeting on Wednesday, March 15, 2017 at 5:30 p.m. The Town Attorney was present and there was a quorum of council members.

### COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen  
Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner Joseph Whitley

### COUNCIL MEMBERS ON CONFERENCE CALL

Commission David Heglar  
Commissioner Jim Dugan

### STAFF PRESENT

Public Works Director – Sonny Beeker  
Finance Officer – Arlen Copenhaver  
Town Clerk – Nancy Avery  
Deputy Clerk – Nancy Hewitt

### CALL TO ORDER

Mayor Swearingen called the meeting to order at 5:30 p.m., stating that its purpose is to consider a bid recommendation and award of contract from Engineering Services for replacement of pump station #1. Notice of this meeting was posted at Town Hall and on the town's website on Friday, March 10<sup>th</sup>.

### BID RESULTS

Mayor Swearingen said that she has the bid results and asked for a recommendation to award the contract.

MPT Bloszinsky asked Finance Officer Copenhaver if he saw anything in his review of the documents that he is concerned about.

Finance Officer Copenhaver stated that there wasn't anything in the information that seemed questionable.

Commissioner Heglar said that the bidder is currently doing other work for the town and the public works director and the town's engineer are both happy with their work, which Director Beeker concurred.

Mayor Swearingen said the bid is for \$676,274.53, contingent upon approval of a deduct cost in the amount of \$86,544 resulting in the revised contract amount of \$589,730.53. She said this is the lowest bid.

Director Beeker said he is comfortable with what was pulled out of the original bid in order to reduce the cost of the project.



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R17-06

**APPROVING FINANCING TERMS WITH FIRST BANK  
FOR KURE BEACH PUMP STATION #1**

**WHEREAS**, The Town of Kure Beach ("Town") has previously determined to undertake a project for the Kure Beach Pump Station #1 (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project;

**NOW, THEREFORE, BE IT RESOLVED THAT**

1. The Town hereby determines to finance the Project through First Bank, in accordance with the proposal dated February 28, 2017. The amount financed shall not exceed \$475,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.11% and the financing term shall not exceed ten (10) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary, or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment



TOWN COUNCIL  
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**R**ESOLUTION R17-06

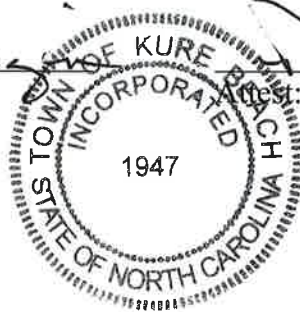
obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the First Bank financing described above. The Town intends that funds that have been advanced, or that may be advanced from the Town's general fund, or any other Town fund related to the project for project costs, may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted by the Kure Beach Town Council this 15<sup>th</sup> day of March, 2017.

  
Emilie Swearingen, Mayor



  
Attest: Nancy Avery, Town Clerk



## REVISED CAPITAL PROJECT ORDINANCE

### KURE BEACH PUMP STATION #1

Be it ordained by the Town Council of Kure Beach, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a new Kure Beach Pump Station #1 to be financed by a transfer from the Water/Sewer Fund, transfer from the Sewer Expansion Reserve Fund and installment financing.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the installment financing agreements and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering and Construction	
Administration	\$116,000
Construction	<u>589,731</u>
Total Project Costs	<u>\$705,731</u>

Section 4. The following revenue sources are anticipated to be available to complete this project:

Transfer from the Water/Sewer Fund	\$ 80,731
Transfer from the Sewer Expansion Reserve Fund	150,000
Installment Financing	<u>475,000</u>
Total Revenue Sources	<u>\$705,731</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of any installment financing agreements and State and Federal regulations.


Section 6. Funds may be advanced from the Water/Sewer Fund for the purpose of making payments as due.

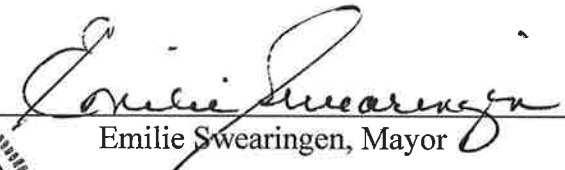
Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received.

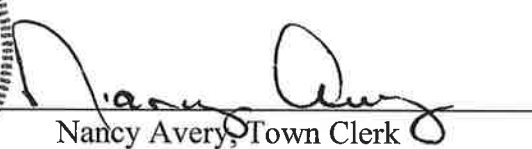
Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues related to this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Town Clerk, the Budget Officer and the Finance Officer for direction in carrying out this project.

This ordinance being duly passed and adopted this 15th day of March, 2017.



  
Emilie Swearingen, Mayor

  
Nancy Avery, Town Clerk

**NOTICE OF AWARD**

TO: T & H Construction of NC, Incorporated  
94 Merchants Circle, Suite 201  
Hampstead, NC 28443

Project Description: Pump Station #1 Replacement  
For the Town of Kure Beach, NC

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated February 28, 2017, and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount of \$676,274.53 contingent upon the final approval of a deduct change order in the amount of \$86,544 .

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance BOND, Payment BOND and certificates of insurance within fifteen (15) calendar days of March 16, 2017.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from March 16, 2017, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 15<sup>th</sup> day of March, 2017.

**LOCAL GOVERNMENT CONCURRENCE  
APPROVED BY:**

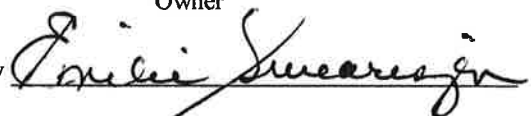
\_\_\_\_\_  
Local Government Representative

By \_\_\_\_\_

Title \_\_\_\_\_

**ISSUED BY:**

\_\_\_\_\_  
Town of Kure Beach, NC  
Owner

By 

Title Mayor, Town of Kure Beach

**ACCEPTANCE OF NOTICE:**

Receipt of the above **NOTICE OF AWARD** is hereby acknowledged by:

T & H Construction of NC, Incorporated  
Contractor's Full Business Name

this the \_\_\_\_\_, 2017

By: \_\_\_\_\_

Title: \_\_\_\_\_



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 21, 2017

state and half will go back to ROT. He also asked council to start thinking if they want to contract for use of the downtown parking area again so he can notify the property owner.

Mayor Swearingen asked that Downtown Parking Lot Rental be added to the April council meeting agenda for further discussion and consideration.

Finance Officer Copenhaver said it needs to be included in the first budget workshop numbers.

Mayor Swearingen suggested having a teenager monitor the parking lot and collect money from people who use it instead of using tax payer money, to which MPT Bloszinsky said the main contributors of the parking lot expense are the business owners.

The finance officer said the town lost some of its business participation last year, to which MPT Bloszinsky said this is true, but the property owner took less money for the lease last year.

Commissioner Dugan commended the Police Department for their actions during the water rescue incident on March 6<sup>th</sup>. He said that, besides handling the investigation, they also handled all of the family matters.

The mayor said she met with the family of the man who died, and they were very complimentary about the town's police officers.

Commissioner Dugan commended the mayor and staff on doing a great job on the Beach Towns breakfast.

Mayor Swearingen said Mayor Saffo with the City of Wilmington said he would like the city to sponsor one of the next breakfasts.

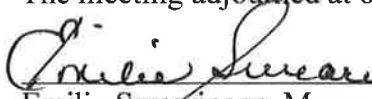
## ADJOURNMENT


MOTION – Commissioner Heglar moved to adjourn.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 8:43 p.m.

  
Emilie Swearingen, Mayor

  
TEST: Nancy Hewitt, CMC, NCCMC  
Deputy Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting.

