

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

### EMERGENCY MEETING

**JULY 27, 2011 at 6:30 pm**

The Kure Beach Town Council held an emergency meeting on Wednesday, July 27, 2011 at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum of the Council present. Brian Cox of Engineering Services was in attendance via a conference call.

#### COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Barry Nelder
Commissioner	Emilie Swearingen
Commissioner	Jim Dugan

#### COUNCIL MEMBERS ABSENT

None

#### STAFF PRESENT

Building Inspector John Batson  
Town Clerk – Nancy Avery

#### CALL TO ORDER

Mayor Lambeth called the meeting to order at 6:30 pm stating the purpose of the meeting is to approve a contract for a firm to perform special inspections for the Ocean Front Park construction. Notice of the emergency meeting was posted at Town Hall at 12:10 pm on July 27, thus meeting the six hour notice requirement.

#### DISCUSSION AND CONSIDERATION OF THREE PROPOSALS FOR SPECIAL INSPECTION SERVICES RECEIVED:

ECS	\$18,517
Falcon Engineering	\$18,260
Terracon	\$ 9,987

Mayor Lambeth asked the Building Inspector, how much is it costing the town for every day we don't start construction?

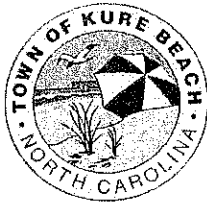
Building Inspector Batson stated he didn't know the exact amount. We gave the contractor notice to proceed and he has not been able to work.

Wayne Laws, Integrity Builders, stated he is not charging daily, but builder's risk insurance is costing \$550 a week.

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

Commissioner Nelder said, is that provided you go over your time?

Mr. Laws said that is correct. If we don't go over, you won't be charged.

Mayor Lambeth asked who has been in discussion with whom, which building inspector, for these bids? Who came up with the scope of work?

Brian Cox of Engineering Services stated, I spoke with Carolina Beach Building Inspector Richard Lang who provided the email I forwarded to you, Mr. Mayor, and to Building Inspector Batson. Inspector Lang outlined three items that were special instruction requirements.

Mayor Lambeth asked David Lisle, Lisle Architecture, if he was aware of the scope pertaining to a special engineer.

Mr. Lisle responded that he knew there would be a special inspection required for the piles only. It would be up to the Building Inspector to add or subtract other special inspections.

Mayor Lambeth stated, I can understand a piling inspector since we don't know what is down there. But, Mr. Lang, why do we need a special inspection for brick laying?

Mr. Lang said it is required by code.

Mayor Lambeth asked who the structural engineer is.

Mr. Lisle replied that it is Rudy Dombrowski.

Mayor Lambeth asked if Mr. Dombrowski said what has to be inspected by a special inspector.

Mr. Cox replied that Mr. Dombrowski has not.

Mayor Lambeth asked Mr. Law if he had to do special inspections on other projects.

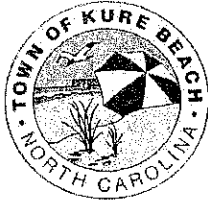
Mr. Law replied, yes, but we never had them inspect the siding. They are required for wells and pilings. We've never had to have framing or truss special inspections.

Building Inspector Batson said two of the bids include things that aren't required. They are a worst case scenario.

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

Commissioner Dugan stated his plan is to go forward this evening to ascertain from the Carolina Beach Building Inspector what he requires a special inspection for, so we would have it on record and wouldn't go beyond that scope. He asked, if that was reasonable. He said, I'm wondering who called for the special inspection.

Inspector Lang stated he is just a messenger. It needs to come from an engineer. All I have is in the code.

Commissioner Swearingen said that North Carolina law spells it out in writing. We have a copy of it. Part of this is because it is considered a commercial building.

Mayor Lambeth stated the total contract with Engineering Services from start to finish is \$80,000. We thought you would be on site on a regular basis checking on this. We have you as a licensed engineer with a stamped set of plans. Do we have a clear set of inspections required on this building? There are three bids. The lowest bid is almost half what the other two bids are. I don't like redundancy. These hours listed in these bids don't make any logical sense to me. I can't move forward with any contract until we are comparing apples to apples and oranges to oranges.

Commissioner Dugan stated we have that list in the emails. Inspector Batson and I had that discussion, which is why part of this meeting is to get that list in the record.

Mr. Laws asked, since you seem to agree on the pilings, could you at least move forward to the pilings special inspection? My guy was supposed to start July 18, but he went to another job.

Commissioner Swearingen stated that John (Inspector Batson) has explained that some of these engineers have included additional things in their bids. I have no problem approving the list.

Mr. Law stated that he estimates eight hours for special inspection of the pilings.

Mr. Lisle stated that since it appears you won't vote tonight, I can talk to a structural engineer tomorrow and get a minimum list.

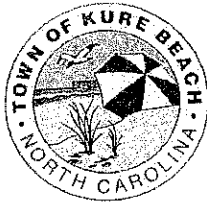
Inspector Lang stated that if the engineer wants to take items out of the list, he is agreeable to that.

Mayor Lambeth said we are not building a nuclear power plant, but a pavilion. If Lang can agree to an abbreviated list, have it go out to bid.

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

Building Inspector Batson said that's not what we are here for. We want permission to move forward in a way we see fit. \$18,000 is not reasonable. I think Terracon's bid is reasonable. They followed the list. If we could get some form of permission, that would help a lot.

Mayor Lambeth stated, that is the reason I hope we have called this meeting. What we have here is a lot of fluff.

Mr. Lisle said, I don't know how the contract is set up. I assume this is a separate contract. Why not allow the inspector to proceed with the pilings?

Commissioner Dugan said, the reason the meeting was called was not for the price but because a contract needs to be entered into. There will probably be any number of work order changes during construction. There is no intent on my part that this type of meeting will take place every time there is a change order. Council will be kept aware, but any voting will be done at a regular council meeting.

Mayor Lambeth asked if there would be any problem proceeding with the pilings if Mr. Cox, the architect and Mr. Lang come up with a list and council can agree upon it.

Mr. Law said, if we start Tuesday of next week, pilings should be done by the end of next week.

Mayor Pro Tem Keener asked if the special inspector has to be there at the end or during the whole process.

Mr. Law replied the inspector has to be there through the whole process.

Commissioner Swearingen said she was disappointed in what council was doing. The Building Inspector has given us a list that appears to be reasonable. We aren't required to pay for four visits if he doesn't do it. I hate to see us drag this out even longer if pilings are finished next week. It means we have to meet again next week. Why wasn't the structural engineer involved in this at first since it is listed on your website (Lisle) as a commercial building? Nevertheless, if he wants to cut it down, would we have to pay for inspections if we cut them out?

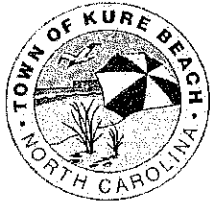
Commissioner Nelder said he goes along with Jim (Dugan). I would like to see the foundation taken care of and that requires a special inspection under the code.

Mayor Lambeth asked Commissioner Dugan the dollar amount of the pilings

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

Inspector Batson replied \$2,900.00

Commissioner Dugan stated the best case scenario for the town is to get construction started on the park. We have the potential for a maximum list to be looked at and possibly be significantly lowered.

Mayor Pro Tem Keener asked how we will rebid. What is the timing?

Commissioner Nelder stated we might not need to rebid.

Mr. Cox stated that the three bids have itemized the hours.

MOTION – Commissioner Dugan made the motion to hire Terracon to inspect the pilings.

SECOND – Commissioner Nelder

VOTE – motion carried four to one with Mayor Lambeth opposed.

Mayor Lambeth asked when an abbreviated list could be expected so we know what we will be paying for. Every nickel of taxpayer's money needs to be accounted for. This is not how I do business.

Commissioner Dugan suggested that Mr. Lisle, Carolina Beach Inspector Lang, Kure Beach Inspector Batson get together and talk with the structural engineer to look at what, if any, of the items listed can be eliminated. Then the list will be brought back to us.

Mayor Pro Tem Keener said that will hold up construction.

Commissioner Nelder said we can do this at the next council meeting.

Commissioner Dugan commented that since these three bids have already gone through the process, couldn't they be revised and emailed to us.

Building Inspector Batson asked whose job is it to set up the special inspection. I've been playing with this for three weeks and feel like I haven't made any progress. Where do I go from here?

Mr. Laws said that usually they never give you an exact number. You tell them exactly what you want during the process.

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

CONSENSUS – when the Town Clerk receives the information from Mr. Lisle, she is to email it to council.

### ADJOURNMENT

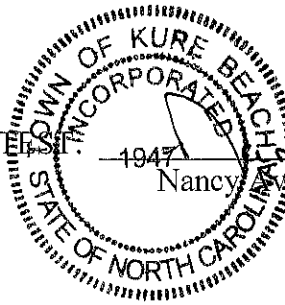
MOTION – Commissioner Swearingen made the motion to adjourn at 7:15 pm.

SECOND – Commissioner Nelder

VOTE – Unanimous

Dean Lambeth, Mayor

ATTEST



Nancy

Swearingen, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk