

KURE BEACH TOWN COUNCIL

REGULAR MEETING

April 17, 2007

MINUTES

The regular meeting of the Town Council of the Town of Kure Beach was held at Town Hall at 7:30 pm on April 17, 2007. A quorum was present.

COUNCIL MEMBERS PRESENT:

Mayor	Tim Fuller
Mayor Pro Tem	Mac Montgomery
Commissioner	Jim Dugan
Commissioner	Bill Ufferman
Commissioner	Dean Lambeth

COUNCIL MEMBERS ABSENT:

None

DEPT. HEADS PRESENT:

Building Inspection	John Batson
Finance Officer	Susan Suggs
Town Clerk	Nancy Avery
Fire Dept	Harold Heglar
Police Chief	Dennis Cooper

DEPT. HEADS ABSENT:

Public Works	Sonny Beeker
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Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:35 p.m. and asked Mike Bauman to deliver the invocation. Mayor Fuller then led the Pledge of Allegiance.

RECOGNITION AND AWARDS

1) Fire Chief Heglar presented Mr. A.E. (Punky) Kure with an award and thanked him for 60 years of service to the Kure Beach Fire Department. Mayor Fuller, on behalf of the Council, presented Mr. Kure with an engraved pocket watch.

2) Police Chief Cooper announced that:

- Officer Jason Cummings and his K-9 won the dog trials for the North and South Carolina region, a first for the Town, and will be participating in the national competition later in the year
- Officers Richard Manning and Michael Bowden obtained their NC Advance Law Enforcement certificates for continued education

3) Resident Tommy Full presented Chief Cooper with a certificate of appreciation for years of friendship and support.

PERSONS TO ADDRESS COUNCIL

1) Resident Mo Linquist presented findings from a study performed by her and Jim Vatr regarding the need for a Town Manager or Town Administrator stating:

- Recommendation is for the Town to hire a professional Town Administrator because of administrative and planning needs, maintenance and continuity of six departments, grant application and research, and need to modernize administration and accounting functions
- Town Administrator would manage day to day governmental affairs by acting as an operating officer of a company would thereby allowing council to perform as a board of directors and set policy rather than the conduct day to day management
- Population of Town has grown to approximately 2,000
- Citizen issues are becoming more complex
- Council needs to confirm financial affordability – estimated \$75,000 combined salary and benefits
- Council should form committee to research and write a job description and edit department head job descriptions by May 30, 2007

2) Fred Boehm of 740 Gulf Stream Drive, stated:

- He is concerned about the recent tax revaluation
- lots of retirees in the area living on fixed incomes
- there was sizeable increase in his home's valuation
- he is asking Council to send resolution to County Commissioners to reconsider and revalue properties at fair market value
- valuations are inconsistent and all over the place
- he is upset because there has been no action and tax bills go out in 60 days
- homes can't be sold today for revalued amount

3) Vinnie Doran of 762 Sailor Court stated:

- NH County is milking Kure Beach by charging highest rate of three beach towns
- He doesn't think we get enough services from county to justify increase
- properties are over assessed by \$100,000 based on today's market value
- market value is \$200 per square foot
- Council needs to send in rebuttal to county and residents need to inundate county with comments

APPROVAL OF CONSENT AGENDA

ACTION – Commissioner Ufferman MADE THE MOTION TO approve the consent agenda with no changes as follows:

1. Council Minutes: 3/20/07 regular meeting; 4/10/07 work session
2. Police Report: March 2007
3. Building Inspector Report: March 2007
4. Fire Report: March 2007
5. Town Clerk Report: March 2007

6. P & Z draft minutes: April 3, 2007
7. Adoption of Municipal Agreement with New Hanover County Board of Elections
8. Approve revised contract, amortization schedule and resolution with BB&T for financing water tower, well house and renovation
9. Financial Report – March 2007

Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ADOPTION OF THE AGENDA

ACTION – Commissioner Dugan MADE THE MOTION to add two items to the agenda as follows:

- 1) TDA request for lifeguards and Fire Department items as # 2 under new business
- 2) Resolution to county protesting revaluation as item # 3 under new business

Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

1) Building Inspections – none

2) Finance -- Finance Officer Susan Suggs stated:

- the preliminary budget for Fiscal Year 07-08 with a revenue neutral tax rate of 10 ½ cents per \$100 has been provided to Council
- there is a work session on Thursday, 4/19/07 at 6pm with Council and Fire, Admin, Building, and Finance departments, and another one on May 3 at 6pm with Council and the Police and Public Works departments
- the existing tax rate of 29 ½ cents per \$100 for the new base of \$1.2 billion would become 10 ½ cents per \$100 at a revenue neutral rate, which is not enough to fund all departments, so Council will need to review

3) Fire – none

4) Police – Chief Cooper stated that Mayor Pro Tem Montgomery asked him to develop a special events application and fees and requested Council provide criteria for those that must comply, such as for profit or non-profit organizations.

ACTION - After discussion, Council reached the consensus that Commissioner Dugan, Mayor Pro Tem Montgomery, Chief Cooper and Public Works Director Beeker would discuss and bring criteria to the May council meeting.

5) Public Works – none

Mayor Pro Tem Montgomery thanked Director Beeker and his staff for the preparation of the 60th anniversary plaque dedication.

6) Town Clerk – none

COMMITTEES

1) EOC – Chair David Heglar said:

- he will be sending updates to the emergency plan and hurricane material to the Town Clerk for posting on the website
- he is working on ads for EOC members and encourages members from last year to participate again.

2) ADA Chair Gilbert Alphin commented:

- he contacted UNCW for a trial use of a beach access wheelchair
- there is an unfinished part of the park where the walkway drops before it gets to the parking lot, a 3 inch difference, and needs to be fixed

ACTION - Mayor Fuller responded that the SLAP and ADA committees can work on requirements to fix the drop off in walkway in park together and bring a recommendation to the May meeting

3) BEAUTIFICATION – on behalf of absent Chair John Gordon, Chuck Keener requested postponing request to approve resolution regarding grant funding for Atlantic Avenue boardwalk until May meeting because more accurate numbers are needed

4) CITIZEN PROTECTION – none

5) COMMUNITY CENTER – none

6) MARKETING – none

7) SLAP – Chair Chuck Keener stated Mario Paporozzi resigned and requested authorization to advertise for replacement.

ACTION – Commissioner Dugan MADE THE MOTION to authorize the clerk to advertise for a replacement. Commissioner Ufferman seconded. THE VOTE OF APPROVAL WAS UNANIMOUS

Chair Keener also stated that:

- the parking lot at the Community Center should be ready by next week and signs need to be added
- the cost of the wooden handicapped ramps placed in 7 different beach accesses came in under budget because a less expensive wood was used leaving \$5,000 still in the budget that can be used for other projects

8) PARKS & RECREATION ADVISORY – Commissioner Lambeth stated that this committee is part of a fully funded state budget item of \$17million that is allocated for use by residents of the town, not tourists. There will be five (5) full time and two (2) alternate members. Members will choose alternates at first meeting.

ACTION - Commissioner Lambeth MADE THE MOTION to appoint the following to the Parks and Recreation Advisory Committee for three year terms:

Nancy Brigham ,Clifton Carroll, Jane Fiery, Robert Fitzsimons, Richard Himmelstein, Gabby Kraus, and Bryan Strickland

Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

9) STORM WATER –none

10) 60th ANNIVERSARY– none

Mayor Fuller called for a ten minute recess at 9:00pm.
Mayor Fuller resumed the meeting 9:10pm

OLD BUSINESS

1) Amend Land Use Plan and Code of Ordinances regarding B1 district (Lambeth)
Commissioner Lambeth read the draft language to the Land Use Plan regarding the B1 district and stated CAMA is satisfied with the draft language.

ACTION – Commissioner Lambeth MADE THE MOTION to approve the draft language and adopt the following calendar for amending the Land Use Plan and advertising:

May 1 – Planning & Zoning review

May 15 – Council receives Planning & Zoning recommendation and schedules public hearing

June 19 at 6:30pm - public hearing

Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said draft language for amendment is herein incorporated as part of these minutes as attachment A.

Discussion concerning the amendment to the Land Use Plan included the following:

- Currently there is a stay on action by CRC and DENR regarding the Rolling Surf property - if council elects not to amend the Land Use Plan, legal action will be resumed
- With proposed language, Council would approve variance and determine economic feasibility - moves responsibility from Board of Adjustment (BOA) to governing board (council) – per CAMA, BOA shouldn't have anything to do with granting variance
- Statutorily authority is given to BOA to grant variance but doesn't preclude council from having responsibility, if council so decides
- If adopted, ordinances will need to be amended to comply
- If Planning & Zoning doesn't agree with amendment, Council may still proceed

- Amendment doesn't automatically make all ocean front property in B1 district eligible for single family housing, however Superior Court warned Town that if restrictions such as CAMA preclude commercial building, Town must allow single family homes to be built
- If CAMA setbacks apply to property in B1 and it's ocean front, and is determined not economically feasible to be commercial building, Council may grant variance
- CAMA has been petitioned by many beach towns, including Kure Beach, to remove restrictions on setbacks for ocean front property with no result
- Town Attorney worked to propose language to protect B1 as commercial and satisfy CAMA
- Council allocated \$45,000 for a master plan study to maintain B1 and has been supportive of B1 district
- Important thing to understand is that amendment does not give any one right to build single family in B1 – the Building Inspector, Planning & Zoning and the Town Council have to be convinced there is no economic commercial feasibility before single family can be built
- Building permits have not been issued by the Town to build single family in the B1 district. CAMA officer (Batson) issued a demolition and building permit on CAMA's behalf when BOA granted variance to Rolling Surf property. Lawsuit ensued and no permits have been issued by Town
- If the Land Use Plan and Ordinances are amended, the Rolling Surf property will have to come back through the new process
- If one single family dwelling is put in B1, the rest of the district will fall and the future of Kure Beach will be impacted. Council has choice of viable downtown with commercial establishments or residences which will be 7 bedroom rental houses
- B1 ocean front properties have to meet 120 ft CAMA setback requirement. In the case of the Rolling Surf property, only 37 feet is left to build on which is not economically feasible against the cost of the property
- More clarification needs to be provided on CAMA setbacks
- If Land Use Plan is not amended, may end up with more derelict motel businesses
- Council is trying to fast pace change – need to send a survey and notify more people and get more input before changing
- This is being done on advice of attorney to avoid lawsuit with CAMA

2) Consideration of draft ordinance for use of vehicles on beach by handicapped

Officer Paul Hubbard presented a draft ordinance regarding use of vehicles on the beach by handicapped stating

- committee considered all discussion from previous work session and worked hard to address all impact
- everyone has pedestrian access to beach and this ordinance allows handicapped persons same "pedestrian" access as non handicapped by allowing motorized wheelchairs on beach
- this isn't an ADA ordinance – it addresses all vehicles on beach

- doesn't require change in existing beach accesses

ACTION – Commissioner Dugan MADE THE MOTION to adopt the draft ordinance amending section 5-66 of the Code of Ordinances regarding use of vehicles on the beach by handicapped. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said ordinance is herein incorporated as part of these minutes as attachment B.

ADA Chair Gilbert Alphin commented that individuals are able to make decision about speed and safety and believes Council is taking away right of people by not allowing them to drive personal ATVs on beach.

Officer Hubbard replied that a previous lawsuit involving Top Sail Beach was different in that the town already allowed ATV's on beach for anyone and lawsuit expanded to include for handicapped persons also. Kure Beach is a different situation in that we don't currently allow any motor vehicles on our beach strand at any time.

Commissioner Dugan stated that the grant writer is pursuing grant information to purchase motorized beach wheel chairs and information will be provided as soon as it is received.

3) Consideration of recommendation regarding hiring of Town Administrator Mayor Pro Tem Montgomery stated he is please with the results of the study conducted by Ms. Linquist and Mr. Vatr and salary has been included in Fiscal Year 07-08 budget discussion, so no motion is needed.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to establish a committee to be comprised of Jim Vatr, Mo Linquist, one department head, one staff member to be named and one citizen (to be advertised in newspaper) with stipulation that hiring for position is dependent on budget approval and staff members to be appointed at May meeting. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Tabled items – no change:

- Consideration of signage for beach access parking ordinance adopted 1/18/07, plan to be presented at 4/17/07 meeting
- Streetlight assessment for south of K Avenue-- needs more input from public, power lines need to be buried, additional cost of \$5k per year
- Approval of letter to citizens from Emergency Response Coordinator regarding hurricane preparation - May 15, 2007 meeting

NEW BUSINESS

1) Consideration of participation in Legislative luncheon on 4/21/07

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to allocate up to \$1,000 to support the Legislative fact finding tour on 4/21 and budget from the governmental

affairs or travel line item. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Consensus of council - Emilie Swearingen, Commissioner Lambeth and family will attend.

2) TDA request for Lifeguard and Fire Department

ACTION – Commissioner Dugan MADE THE MOTION to petition the Tourism Development Agency (TDA) for Room Occupancy Tax (ROT) for \$16,000 for this summer’s lifeguard supervisor salary and \$3,000 for Fire Department items needed for ocean rescue. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

3) Resolution to county requesting review and revision of recent property tax revaluation to reflect market value

ACTION – Commissioner Dugan MADE THE MOTION to have the Town Attorney draft a resolution to be sent the New Hanover County Commissioners requesting a review and revision of recent property tax revaluation to reflect current market value. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Consensus of Council - Mayor Pro Tem Montgomery and Town Attorney Canoutas to draft letter to State representatives supporting revision of the Homestead Exemption for May council meeting.

COMMISSIONER’S ITEMS

Commissioner Ufferman thanked everyone for all the work that went into the 60th Anniversary events.

Commissioner Dugan agreed with Commissioner Ufferman’s comments about the 60th Anniversary and stated the non profit paperwork for the Fire Department is in Raleigh and we are waiting for a response.

Commissioner Lambeth expressed appreciation to everyone and stated how enjoyable the 60th Anniversary events were.

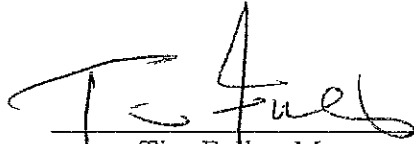
Mayor Pro Tem Montgomery commented that he appreciates the volunteerism and Mr. Vatr and Ms. Linquist’s first time volunteering with the research regarding Town Administrator upholds the consistency and help that council couldn’t achieve without volunteers.

Town Attorney – none

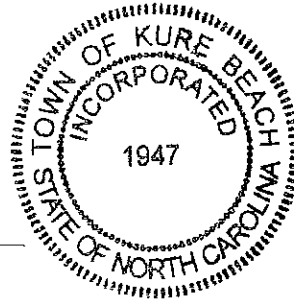
Mayor – none

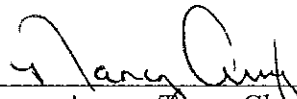
ADJOURNMENT

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 10:41pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor



ATTEST: 

Nancy Avery, Town Clerk