

KURE BEACH TOWN COUNCIL REGULAR MEETING September 18, 2007 7:30pm

MINUTES

The regular meeting of the Kure Beach Town Council was held on Tuesday, September 18, 2007 at 7:30pm.

CALL TO ORDER

Mayor Fuller

WELCOME

Mayor Fuller

INVOCATION

Mayor Fuller

PLEDGE OF ALLEGIANCE

All

COUNCIL MEMBERS PRESENT:

COUNCIL MEMBERS ABSENT: Commissioner Bill Ufferman

Tim Fuller

Mayor Pro Tem

Mac Montgomery

Commissioner

Mayor

Jim Dugan

Commissioner

Dean Lambeth

STAFF PRESENT:

STAFF ABSENT:

Interim Town Clerk

Nancy Hewitt

Town Clerk

Nancy Avery

Building Inspector

John Batson Susan Suggs

Finance Fire Chief

Harold Heglar

Police

Dennis Cooper

Public Works

Sonny Beeker

Town Attorney A. A. Canoutas was in attendance.

Mayor Fuller called the meeting to order at 7:32pm, delivered the invocation and led the audience in the Pledge of Allegiance.

Mayor Fuller explained that Commissioner Ufferman would not be attending the council meeting due to health issues.

ACTION - Commissioner Dugan MADE THE MOTION to excuse Commissioner Ufferman from his attendance of the Town Council meeting due to health problems. Commissioner Lambeth seconded the motion, THE VOTE OF APPROVAL WAS UNANIMOUS.

RECOGNITION AND AWARDS

Commissioner Lambeth presented a plaque to ADA Committee Chairman Alphin, commemorating Richard and "Dottie" Pierce. A fund in their memory helped to buy the picnic table for the handicapped, which is located at Joe Eakes Park. Public Works Director Beeker will affix the plaque to the picnic table.

PERSONS TO ADDRESS COUNCIL

Paula Withrow, resident, asked the council's permission to hold an annual festival in Kure Beach. Out of the many Parks & Recreation Surveys that were received, most of them expressed interest in having an annual festival. She figures that the committee will be able to pull in approximately \$3,000-\$4,000 from arts/craft and food vendors, but would need additional money from the Town to make the event successful. Paula requested the following be approved by council:

- Approval of an Annual Street Festival with music, food, wine & beer, arts and crafts, fireworks and kid's booth.
- Approval to set the date of Saturday, April 26, 2008 as the 2008 Kure Beach Street Festival.
- Approval of additional funds for the event.
- Designation of a Council member to be a liaison for the group.
- Appointment of a 2008 Annual Street Festival committee with members Paula Withrow (chairperson), Debbie Price, Jackie Wiebe, Lore Eccleston, Mary Vann, and Bill McGee, so that they can begin to work on the festival.

Commissioner Dugan suggested that the Annual Street Festival committee and the Parks & Recreation Advisory committee work together, since this will be an annual event. Finance Officer Suggs will find where the money will come from and make her recommendation at the weekly Staff meeting. Commissioner Lambeth said that it might be possible to tap into the money that the Parks & Recreation Committee have in their funds. Mayor Pro Tem Montgomery suggested that Commissioner Lambeth be liaison, since he is the liaison for the Parks & Recreation Advisory committee.

ACTION - Commissioner Lambeth MADE THE MOTION to authorize Paula and the committee that she named to work together with the Town's Department Heads and with the Parks & Recreation Committee; to approve the event and designate Saturday, April 26, 2008 as the date of the event; to budget \$10,000 for the event; and to designate Commissioner Lambeth as the liaison of the committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

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APPROVAL OF CONSENT AGENDA

- Council Minutes: August 21st, 2007 regular and closed Sept. 5th work session; Sept. 11th emergency meeting
- 2. Police Report: August 2007
- 3. Building Inspector Report: August 2007
- 4. Fire Report: August 2007
- 5. Financial Report: August 2007
- 6. P & Z draft minutes: September 4th, 2007

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the consent agenda with no changes. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ADOPTION OF THE AGENDA

Beautification Chairman Nelder asked that the appointments listed under his committee report be removed; Finance Officer Suggs asked that the item under her Finance Report, Surplus vehicles for police, be removed.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the agenda as modified. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

1. Building Inspection Department

Inspector Batson requested the appointment of Ted Gragg to the Damage Assessment Committee.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to appoint Ted Gragg to the Damage Assessment Committee as recommended by the Building Inspector. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Inspector Batson discussed the need for a clearly-defined fence ordinance. Because of the ambiguity of the current ordinance, he is unable to enforce the code properly. Commissioner Lambeth stated that this issue came to light as the result of a recent fencing permit issue. P&Z (P&Z) will consult with Attorney Holt Moore at their next meeting regarding the fence ordinance.

ACTION – Commissioner Lambeth MADE THE MOTION to refer to P&Z the Building Inspector's concern regarding the language in the current fence ordinance, for them to clarify the language and to set up limits that are enforceable and clear to all concerned. P&Z is to refer their recommendation back to Council as "early as possible." Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Finance Department

Due to Commissioner Ufferman's health issues another council member needs to be approved as a check co-signer for the Town.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to appoint Commissioner Dugan as an additional check co-signer instead of Commissioner Ufferman's during his absence. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

A bid for two surplus Fire Department vans and two surplus Public Works vehicles was opened at 2PM on Friday, September 14th. The vehicles from the Fire Department didn't receive any bids. The Public Works vehicles received the following bids:

- The John Deere backhoe received 9 bids with the highest bid being \$6,750.
- The 1989 Sonoma truck received 6 bids with the highest bid being \$800. Finance Officer Suggs wanted to know if she should re-advertise the Fire Department vehicles. Fire Chief Heglar said that he might be able to find some people who are interested in them for a decent price.

ACTION – Commissioner Dugan MADE THE MOTION to accept the high bid of \$6,750 for the John Deere backhoe from the Public Works department. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Dugan MADE THE MOTION to accept the high bid of \$800 for the 1989 Sonoma truck. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Dugan MADE THE MOTION to direct the Fire Chief to dispose of the Fire Department vehicles in a way that is as beneficial to the Town as possible. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Fire Department

The National Guard contacted the Town wanting to put an Antenna Repeater on the tower behind Town Hall. Public Works Director Beeker will contact the owners of the tower to ask permission. Mayor Fuller asked Town Attorney Canoutas to check into the lease with American Tower to see if the Town has any prerogative to request that they allow this. If unable to get approval to place the antenna on the tower, it might be possible to affix the antenna to the new Water Tower.

The Water Department's new South Tower is online and the fire hydrant flow rates have improved.

4. Police Department -- no report

5. Public Works Department

The Town implemented Stage I of the Kure Beach Water Conservation ordinance and has asked citizens to follow its guidelines. The information was put in the Wilmington Star-News and on the Town's website and will also be put in the Town's October newsletter. Town wells are being closely monitored and so far all water recovery tests are looking good.

Public Works Director Beeker would like to take the old water tower offline in the next couple of weeks, after everything is finalized with the new water tower's telemetry/monitoring system. Southern Corrosion will come in and clean the inside of the tank and

clean & paint the outside of the tank. The new water tower would be used to furnish the Town's water needs while the old one is down for servicing.

Currently, prison inmates and Public Works personnel are cleaning up the Bike Lane on Fort Fisher Boulevard.

Commissioner Lambeth stated he had received complaints about the smell coming from the port-a-john at Joe Eakes Park. Director Beeker will consider moving it to a different area of the park, further from the road, to prevent complaints.

6. Admin/Town Clerk – no report

BREAK

At 8:30pm, Council announced a 15-minute break and also excused Town Attorney Canoutas from the remainder of the meeting for health reasons.

At 8:40pm, the meeting was called back to order.

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

1) Town Administrator

Chairperson Jim Vatrt asked council to approve the final job description for a Town Administrator, the organizational chart, and an advertisement to be placed in the Media by October 1, 2007, with a target hire date of January 2008. He pointed out that, per the organization chart, Nancy Avery would report directly to Council and the remaining Town staff would report directly to the Town Administrator.

Mayor Pro Tem Montgomery suggested advertising the position in the NC League's newsletter. He stated that there was a discrepancy in the salary listed in the Job Description and what was in the advertisement. He asked Mr. Vatrt to amend the advertisement to reflect the lower end of the salary range. Jim will get together with Chris May to get his input on the interview questions for the candidate.

Commissioner Lambeth addressed the lack of office space at Town Hall to accommodate a Town Administrator. Discussion ensued and it was decided that there was a need for an office space planner to try and find space.

Mayor Fuller suggested the Commissioner Dugan take Commissioner Ufferman's place on the committee in Bill's absence since he has spearheaded personnel issues in the past.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the job description, the organizational chart, and the advertisement as amended; to appoint Commissioner Dugan as a liaison to the committee in Commissioner Ufferman's absence; and to ask the committee to evaluate the available office spaces and come back with recommendations or suggestions at the October Council meeting. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2) EOC

Commissioner Dugan reported that he will fill in for Chairperson David Heglar while David is on active duty with the military. He added that Tsunami training took place recently at Town Hall with the staff and that a Tsunami brochure will be mailed out to residents in the upcoming Quarterly newsletter.

3) ADA Committee

Chairperson Alphin requested that a doorbell be affixed to the front door of Town Hall for handicapped residents who are in wheelchairs. He also asked that the Water Payment mailbox height be lowered for easier access for the handicapped. Mayor Fuller asked Public Works Director Beeker to look into having automatic doors installed at Town Hall, rather than a doorbell. Director Beeker will also make a recommendation at the October Council meeting regarding the placement and height of the mailbox. He also reported that the Beach Wheelchair Cruzr for the handicapped has been repaired and is on its way back to the Town.

4) Beautification

Barry Nelder presented an update on the Atlantic Avenue boardwalk project. Ken Withrow and Candace Clark are coordinating the efforts between CAMA and John Sawyer Architects to make the recommended changes and this will bring the wooden walkway into alignment with the existing walkway to safeguard the dunes. After changes are made to the plan, there will be a public meeting. He also thanked Candace Clark and Priscilla Smith for planting mums in the urns outside of Town Hall's main entrance.

5) Citizen Protection/Beach Re-nourishment

Committee Member Tony Gonsalves addressed council on behalf of Tom Barber. He reminded everyone about the "Big Sweep" Beach Clean-up to take place on Saturday, September 29th beginning at 8:30am. He asked Council to approve the appointment of Nola Jackson (member) and Phyllis Mojzis (alternate) to the committee.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to appoint Nola Jackson and Phyllis Mojzis to the Citizen's Beach Protection committee. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- 6) Community Center no report
- 7) KB Marketing Advisory no report
- 8) Shoreline Access and Parking (SLAP)

Chairman Keener announced the resignation of Bo Goodman from SLAP and requested the appointment of James Smith and Linda Cheshire to the committee.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to appoint James Smith and Linda Cheshire to the SLAP committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Chairman Keener requested that the No Parking sign be removed from the space on Atlantic Avenue near the lifeguard shack so that they can designate a handicapped parking space. He also requested that the loading zone which was previously located on the east side of Fort Fisher Boulevard, near Jack Mackerel's Restaurant, be re-designated as a loading zone. Currently, it is marked as a regular parking space.

Police Chief Cooper stated that the No Parking space near the lifeguard shack is there to give the Police and Fire departments easy access and recommended sacrificing a regular parking space for the handicapped space. Mayor Fuller asked Chief Cooper to work together with the SLAP committee during their October meeting to make a recommendation at the October Council meeting. Chief Cooper said that the ordinance would need to be changed to enable a parking space to be re-designated as a loading zone.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to authorize the SLAP Committee and the Police Department to designate a handicapped space near the lifeguard shack for handicapped parking. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Chairman Keener requested that a handicapped parking space be designated in front of Big Daddy's Restaurant. ADA Chairperson Alphin said that, in order for the space to be ADA compliant, a wheelchair access ramp would need to be next to it.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to authorize the SLAP Committee and the Police Department to add another handicapped space on the North side of K Avenue and West of Fort Fisher Boulevard. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9) Parks & Recreation Advisory

Commissioner Lambeth stated that the Parks and Recreation Advisory committee will hold one more meeting before finalizing the results of their recent survey for residents.

10) Storm Water

Chairperson Vann announced that the Kure Beach Storm Water committee would share a booth with the Carolina Beach Storm Water committee at the upcoming Pleasure Island Seafood, Jazz and Blues Festival.

New Business Item #3

Mayor Pro Tem Montgomery asked that Item #3 under New Business be moved up on the agenda to accommodate the guest speaker, since it was getting late.

ACTION – Mayor Pro Tem Mac Montgomery MADE THE MOTION to change the order of business on the agenda to bring forward Item 3 under New Business. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Item #3 under New Business – Paul Martinez, Kure Beach representative to the Bicycle and Pedestrian Committee of the Wilmington Metropolitan Planning Organization, addressed council regarding the 2008 NCDOT Bicycle and Pedestrian Planning Grant Initiative. He stated the deadline to submit the application for the grant is 12/3/07. Commissioner Lambeth said that this was the top item on the Parks & Recreation survey that residents wanted for the Town.

ACTION – Commissioner Lambeth MADE THE MOTION to make a resolution that Paul's committee proceed and submit the grant part for Carolina Beach as soon as possible. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Fuller asked Mr. Martinez to gather together his paperwork and submit it to the Town Clerk so that Kure Beach could submit their application for the grant.

OLD BUSINESS

1) Mayor Pro Tem Montgomery said the LUP and Zoning ordinance need to be updated to support the B1 plan and any future plans for the Town. He recommended that Hayes Planning be allowed to provide assistance to P&Z and that the committee get together at their next meeting and come back to the October council meeting with their proposal. Hayes' projected cost would not exceed \$8,000. Mayor Fuller asked Finance Officer Suggs to see if there's a sufficient balance in the General Fund to take care of the projected cost and to be prepared at the October meeting with that information.

Mayor Fuller asked that the wording in the Planning Services Proposal under Task III, Height Requirements, be modified to exclude all wording after the word "design." He also asked Interim Town Clerk Hewitt to contact Mr. Hayes to let him know the date of the next P&Z meeting and to make a copy of the Hayes Plan for the P&Z agenda packages for their upcoming meeting.

ACTION – Mayor Pro Tem Mac Montgomery MADE THE MOTION to refer the Planning Services Proposal for Kure Beach from Hayes Associates as amended to P&Z for their consideration at their October meeting with a recommendation for October's Council meeting, and Council is also asking the Finance Officer to have a recommendation at the October Council meeting as to the source of funds to hire Hayes Services, if that's the recommendation of P&Z. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2) Commissioner Lambeth stated that P&Z voted 9/4/07 to recommend Council accept the B1 Study and begin with changing K Avenue towards the pier to make it a one way street, widen sidewalks, and address lighting and trees, stating that the B1 study is in compliance with the Land Use Plan in reference to Part II, Section III, "commercial district (four blocks bounded by Third Avenue to the west, L Avenue to the north, and J Avenue to the south. K Avenue and the Kure Beach Pier) will continue to be the center of all town resident and tourism associated business."

Mayor Fuller directed Interim Town Clerk Hewitt to make sure all committees have a copy of the B-1 study. He recommended that all of the committees review the plan and talk amongst themselves, then make their recommendations at the next P&Z meeting. P&Z will then discuss everything at their meeting and bring their recommendations to the October Council meeting.

ACTION – Commissioner Lambeth MADE THE MOTION to accept P&Z's recommendation to accept the B-1 Study; to ask the Interim Town Clerk to make copies available to all Town committees; to have those committees, at their earliest convenience, begin reviewing the study, discuss and make recommendations and then forward those recommendations to P&Z. P&Z will review the information they've been given and then, at the October Council meeting, give a framework of what it wants to do to continue: whether to hire consultants and what the budget will be. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3) Mayor Pro Tem Montgomery presented the revised fee schedule regarding storm water impact fees. The decision at the July 17, 2007, council meeting was to waive the \$4,000 impact fee for future storm water construction for a 90-day interim until a revised fee schedule could be presented to council at this meeting. Discussion ensued regarding the USMP and Non-USMP construction fees. The new Fee Schedule would make Storm Water Fees for non-USMP construction Building Fees cost \$4,000, while Storm Water Fees for USMP-compliant construction would cost \$0.

ACTION – Mayor Pro Tem Mac Montgomery MADE THE MOTION to adopt the amended Town of Kure Beach Fee Schedule. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4) Resident Gabby Kraus had questioned the Town's purchasing policy, comparing it to the large corporations he had worked with in the past. After looking over the Town's policy and procedures, he came to the conclusion that it was sufficient for a town of Kure Beach's size. He stated that perhaps some of the guidelines could be fine-tuned, but otherwise it seemed complete.

Mayor Fuller suggested that the issue of the Purchasing Policy be put on the agenda for the weekly Staff meeting so that it can be discussed and examined. He asked Finance Officer Suggs to make copies of the policy to hand out at that meeting.

BREAK

At 10:45pm, Council announced a 5-minute break. At 10:50pm, the meeting was called back to order.

NEW BUSINESS

1) Mayor Pro Tem Montgomery asked council to consider the DOT TAC resolution urging Governor Easley to call a special session of General Assembly to discuss local, regional and statewide transportation funding issues. He stated that the State's transportation fund had a \$20 Billion shortfall.

ACTION – Mayor Pro Tem Mac Montgomery MADE THE MOTION to approve the resolution recommended by the Transportation Advisory Committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS CARRIED AS FOLLOWS: Mayor Fuller, Mayor Pro Tem Montgomery and Commissioner Dugan APPROVED. Commissioner Lambeth DECLINED.

2) Commissioner Dugan discussed the issue of Beach Clubs. He stated that if a club established itself in Kure Beach, the Town and its businesses would reap very little financial benefit. Beach Clubs are an issue for other beach towns as they are basically self-sustaining. These clubs provide their members with parking, as well as kitchen and facilities. The Town would probably only provide trash and water/sewer service. Commissioner Lambeth stated that this issue was on P&Z's agenda for their next meeting. He stated that Oak Island was devising their own policy on Beach Clubs to safeguard their town, as they want to prevent non-resident beach clubs. Mayor Fuller suggested that P&Z send a letter to the Town of Oak Island to see what their plans are and to offer its assistance.

ACTION – Commissioner Dugan MADE THE MOTION to refer this to P&Z and to Attorney Holt Moore to investigate our current ordinances to see if there is existing language in our current code that we can use, and to recommend new and stronger language in order to give the Town the means to prevent non-resident Beach Clubs. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4) Interim Town Clerk Hewitt explained that North Carolina State, New Hanover County and Carolina Beach governments are all taking December 24, 25 and 26 off (Monday, Tuesday and Wednesday) for the Christmas holiday this year. Per Kure Beach's Personnel Policy, Town Council usually designates 2 days by October 1st that will be observed as Christmas holiday.

Commissioner Dugan said that, with the existing language, Kure Beach could only approve a 2-day holiday. Mayor Fuller said that the town personnel policy wasn't adopted as an ordinance, so they can do anything they want with it. Mayor Pro Tem Montgomery said that giving employees more than 2 days would have a financial impact on the town. Issues discussed were trash collection being delayed and having to pay overtime to personnel who have to work during those 3 days. Mayor Fuller said the 3rd day wouldn't have to be a paid holiday. He suggested that Monday and Tuesday be observed as the 2-day holiday, and that Town Hall be closed on Wednesday with the option for Town employees to work or use their comp time or vacation time to take the day off. Commissioner Dugan felt the employees should be allowed to have the same days off that the State, County and Carolina Beach are taking off.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to designate Monday and Tuesday, December 24th and 25th as the 2007 Christmas holiday, and to close Town

Hall on Wednesday, December 26th, to allow employees to either work or take their own comp time or vacation time if they want the day off. THE VOTE OF APPROVAL WAS

CARRIED AS FOLLOWS: Mayor Fuller, Mayor Pro Tem Montgomery and Commissioner Lambeth APPROVED. Commissioner Dugan DECLINED.

PERSONS TO ADDRESS COUNCIL

None

COMMISSIONERS' ITEMS:

Commissioner Lambeth said that Town Attorney Canoutas requested to be present at the P&Z meeting while they rework the Fence ordinance so he can make sure the sequence of numbers used is correct.

ATTORNEY'S ITEMS

None

MAYOR'S ITEMS

The Mayor reminded everyone that Commissioner Ufferman would be going into the hospital on Thursday for open heart surgery and requested that flowers be sent to him when he is moved to a regular hospital room.

PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION None

CLOSED SESSION:

Consultation with attorney -land acquisition

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to go into Closed Session at 11:30pm for the purpose of discussing land acquisition. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Council returned to open session at 12:10am.

Mayor Fuller stated that Council had met to discuss a possible land acquisition for the Town. He said that the Town has a proposal from Senator Julia Boseman, who is a licensed Real Estate Broker as well as an attorney, to represent it in acquiring land. She will be the "buyer's agent" at no cost to the Town.

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to accept Julia Boseman's proposal to represent the Town in acquiring land. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Fuller said he will contact Ms. Boseman to arrange for a meeting and will draft a letter to accept her proposal.

ADJOURNMENT

ACTION – Commissioner Dugan MADE THE MOTION to adjourn at 12:15am. Mayor Pro Tem Montgomery seconded the motion . THE VOTE OF APPROVAL WAS UNANIMOUS.

ATTE

Nandy Hewitt Interim Town Clerk