

KURE BEACH TOWN COUNCIL

REGULAR MEETING

FEBRUARY 21, 2006

CALL TO ORDER

Mayor Fuller called the regularly scheduled meeting of the Kure Beach Town Council to order welcoming everyone to the meeting. All Commissioners, Attorney Canoutas, Public Works Director Beeker, Building Inspector Dixon Ivey, Fire Chief Heglar and Finance Officer Susan Suggs were present. Police Chief Cooper was unable to attend.

INVOCATION

Invocation by Mayor Fuller.

PLEDGE OF ALLEGINANCE

Following the invocation Mayor Fuller requested all rise for the Pledge of Allegiance to the Flag.

Recognition and Awards

Mayor Fuller noted that the meeting would now begin with special recognitions and awards. He requested Fire Chief Heglar and Commissioner Jim Dugan come forward to make the presentations.

Fire Chief Harold Heglar mentioned that three(3) members of the Kure Beach Fire Department have recently retired and he requested Mrs. Shirley Nelson come forward and following comments, he presented Shirley with a plaque of appreciation. He then requested Billy Nelson come forward and he was presented a plaque for 25 years of dedicated service to the Town of Kure Beach. Chief Heglar then requested David Denson come forward and he was presented a plaque for 41 years of dedicated service to the Town. (Audience applauded each person both before and after receiving their plaque).

Chief Heglar, requesting Mr. A. E. “Punkie” Kure come forward, noted that Mr. Kure is not retiring from the Fire Department, but is retiring as Emergency Management Coordinator for the Town of Kure Beach after 25 years.....In commenting Chief Heglar noted that “Punkie” is the last living “Kure” and the last living founding member of the Kure Beach Fire Department—a Captain in the Fire Department. Chief Heglar mentioned he is also the man who “whipped his bottom” when he was growing up when his dad was not around. Audience stood and applauded those receiving recognition.

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In closing comments Chief Heglar noted that all of these persons all volunteers and never received any pay.

Mayor Fuller expressed appreciation to those retiring for their long service to the Town and he thanked all of the current volunteer firemen for the service they continue to provide.

Mayor Fuller then requested the Town Clerk and Imogean Jones come forward.

Town Clerk Frankie Jones read aloud the plaque which states: This plaque is presented in appreciation to Imogean Jones in recognition of 22 years of dedicated and loyal service to the Town of Kure Beach—presented by Council and Citizens of Kure Beach. (audience stood and applauded).

Mayor Fuller noted that Imogean is one of the great examples of the loyal and dedicated employees this Town has had for many years and we are mighty grateful for her.

PERSONS TO ADDRESS COUNCIL

Town Sponsorship of P.A.D.s Grant Application Ms. Iris Cannon

Ms. Cannon introducing her dog “Bo” submitted brochures of information relative to the P.A.D. s Grant noting that the grant has been applied for in conjunction with the Kure Beach Police Department. If the grant is approved we will be using dogs rescued from local shelters. They will train children ages 10 to 17 that are at risk for becoming involved with the Juvenile Justice System. These children are trained to be trainers of the dog and once the dog has been trained they will be given to someone with disabilities, i.e., in a wheel chair. Ms. Cannon advised that the dog can open the door, cut on/off lights, are taught to retrieve items needed by disabled person, i.e., pick up medicine bottle, etc.

Mayor Fuller mentioned that to receive the grant a municipal sponsor is needed. Also no Town money is involved—involvement with the Police Department will be their assistance in helping to identify “youth at risk” on the Island, i.e., candidates for the after school program....

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Questions from audience:

Amount of grant—Ms. Cannon noted \$138,000 and when the dogs are trained they are worth \$12,000.00 each. No connection in Carolina Canines. We are connected with P.A.W.S. at Ashley High School

Mayor Fuller noted that later on the agenda is the item for Council to approve our participation in sponsor of the grant application.

Mayor Fuller thanked Ms. Cannon for the presentation.

Parking as Related to Residential and Vacation Rentals—Mr. Charles Allo

Mr. Allo noted that a comment was made at the work session on the ninth relating to misinformation being transmitted as it applies to vacation units and residential units. He mentioned that the justification for the remark was from the definition for tourist lodging...it's in the wrong place, has wrong information and if it were to be addressed today with a little more knowledge of the statutes, etc., it never would have been in that section. He mentioned that he can say this as he was one of the members who worked on it. He noted if this is applied, you are throwing out everything that the statutes, the ordinances are saying you should be doing—you are ignoring 42.a, 160-360 Article 19, Part III which is zoning. The way it is being implied is improper.

Mayor Fuller noted that Council has a copy of his remarks (copy attached) and they are mindful of this. He mentioned that Mr. Allo is right for bringing this to Council's attention and they are continuing to work of this.....

Mr. Allo noted his concern is this push for the mixed-use program and that is just about approaching a "spot zoning" type thing. This is never the way mixed use was meant to be utilized.

Mayor Fuller noted this ordinance has not been drafted as of yet and Mr. Allo will have the opportunity to help us draft that.

Mayor Fuller thanked Mr. Allo.

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APPROVAL OF THE CONSENT AGENDA

Mayor Fuller noted the consent agenda consists of the normal routine things—the monthly reports from the departments (which are all posted, committee reports. Also minutes are included on the consent agenda.

Mayor Fuller requested a motion.

Motion by Comm. Ufferman and seconded by Comm. Dugan to approve the consent agenda.

Mayor Fuller mentioned that the Shoreline Access and Parking Committee, the ADA Committee and the Beautification Committee Report are not on the consent agenda as they will be making a report to Council tonight.

Mayor Fuller called vote a vote. **The motion to approve the consent agenda was approved.**

ADOPTION OF THE AGENDA

Mayor Fuller asked if Council had any corrections or changes to the agenda.

There being no corrections or changes to the agenda, **motion was made by Comm. Dugan and seconded by Mayor Pro Tem Montgomery to approve the agenda. Motion approved.**

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

Town Clerk Frankie Jones—no items to present.

Finance Officer Susan Suggs noted that she had two(2) budget amendments:

1. To increase budget to upgrade some of the computer hardware—proposals have been received from our hardware person and it was a little more than initially expected. She would like to increase the General Fund by \$500.00 and the Water Fund by \$500.00. Money from fund balance.

2. Second Amendment is to increase the budget \$6,590.00 of General Fund and \$6,590.00 in the Water Fund—this is to allow for upgrades to our existing computer software, support and in-house training provided here by the computer service we are presently working with.

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Motion by Comm. Ufferman to adopt the two(2) budget amendments. Motion seconded by Comm. Lambeth. Motion approved.

Mayor Fuller mentioned that money was included in this year's budget for up-grading our software, for training—a representative of our software company came down and evaluated our present use of the system. After his evaluation, he made some additional recommendations. These budget amendments made tonight add to the amount already included in the present budget to cover the full cost of the changes—a new server for Town Hall—5 new computers to handle new software and most important, on-site training.....

Public Works Director Sonny Beeker mentioned that today on Sixth Avenue we had Tri-State Construction, sub-contractor doing the cleaning and camering of our service line for our sewer rehab project. This work will continue for the next several months and it is anticipated they will begin lining some of the mains. We are pleased that this project has begun. In continuing comments, he noted that the ultimate goal is to fix the sewer, keep the infiltration down and repave streets in Town from K Avenue to E Avenue and from Sixth Avenue to Fort Fisher Blvd.

Public Works Director Beeker also mentioned the NCSU Project on Atlantic Ave. at L and M Avenues. An infiltration system has been installed to catch the ½ inch of storm water in what is called storm chambers. These were installed by Public Works Department in conjunction with the NCSU Project. Funds are from DOT. Work continues on measuring devices that test the stormwater that goes into these systems. This project will be closely monitored over the next several years with the outcome to possibly continue this type project in other areas of our beach to try and cleanup some of the water going into the ocean.

Building Inspector Items

Mayor Fuller asked Inspector Ivey what he had become “certified-in” today.

Building Inspector Ivey mentioned that he has passed the North Carolina Licensing Board for General Contractors Exam this morning. (Audience applauded).

Police Chief Item

A member of the audience mentioned that he had met two of the Police Officers as he was leaving his home tonight and they mentioned that “thieves” have been hitting some of the construction sites in the area and they were posting officers at various sites. He mentioned that last night his wife woke up at 3 a.m. and there was a car out on the cul-de-

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sac. The resident noted that each of us should be aware that this is our town and we don't need this.....

Comm. Dugan mentioned that the Police Chief and his assistant is not here tonight due to these events.

Fire Chief Harold Heglar—no items.

Comm. Dugan asked about the new radios.

Fire Chief Heglar mentioned they should be here tomorrow (Wed. Feb. 22). He noted that they assisted Carolina Beach today on a mutual aid call and the radio service was terrible. Transmission between the Carolina Beach Chief and Central and the Chief and firemen was terrible. Hopefully next week when the new system is activated, this problem will be corrected.

Shoreline Access & Parking Committee

Mayor Fuller mentioned that Shoreline Committee Chairman Chuck Keener is not present tonight due to illness and committee member Bo Goodman will be presenting the report.

Mr. Bo Goodman mentioned that with the ADA Committee, they propose a project to improve the access for wheel chairs at the established beach access.....They are recommending covering a portion of the gravel with synthetic decking to provide smooth access to the beach. A CAMA grant has been prepared for the project requesting approximately \$69,000.00 in grant funding with a local match of \$17,000.00. He recommended that Council favorably consider this request for \$17,000.00 local match to come from the ROT fund.

Mayor Pro Tem Montgomery mentioned there are also two additional grant requests, one for the Community Center Parking improvements and one for the bike racks.

Mr. Bo Goodman mentioned that Tony Gonsalves has been working on the bike rack grant. He noted that the grant application is for \$7,000.00 with a local match of \$1,750.00, total project cost to be \$8,750.00. This project consists of additional bike racks at the various access sites. Also there is a grant application for improving the parking at the Community Center—grant application is for \$50,000 with a local match of \$12,500—total project cost of \$62,500.00—project consists of cleaning up the parking area, lining it and making it more accessible.

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Mayor Fuller thanked Mr. Goodman for the presentation and noted that the request is for approval of the \$17,000 as part of the ROT request to be submitted and the other two items are to be included in the FY/06-07 Budget.

ADA Committee Chairman Gilbert Alphin speaking as a motel owner mentioned that his committee agrees with the recommended improvements to the beach accesses. He would like for Council to consider requesting ROT funding for signage that will make the public aware that a portion of the funds for the improvements came out of the ROT funds. This will enable those who pay the additional Room Occupancy Tax (ROT) to see where this money is being utilized.

Mr. Alphin noted that he has been talking with the City of Wilmington employee, Mrs. Swearingen, who is a resident of Kure Beach, and have talked about ADA issues.....He mentioned that he has some questions and once he has prepared his information he would like to meet with the Town Attorney and review information.

Attorney Canoutas advised Mr. Alphin to call when he is ready and they can schedule a meeting.

Beautification Committee Chairman John Gordon

Comm. Ufferman liaison with the Beautification Committee noted that they will be meeting tomorrow (2/22/06).

OLD BUSINESS

Appointment to Carolina Beach—Kure Beach Sewer Authority

Mayor Fuller noted that the Sewer Authority consists of four(4) members—2 from Carolina Beach and 2 from Kure Beach. Function of the Sewer Authority is to administer the jointly licensed and operated Wastewater Treatment Plant here on the Island. It is located in the Town of Carolina Beach but operated by a joint sewer authority. At the January Council meeting, Commissioner Dugan and he (Mayor Fuller) were appointed to the sewer authority under the assumption that the Mayor had to be one of the appointees. The Clerk has since then checked on this and one of the appointees does not have to be the Mayor. Therefore, he, Mayor Fuller will be removed and appoint Mayor Pro Tem Mac Montgomery. Mayor Pro Tem Montgomery is the liaison with Public Works and is more involved with the wastewater aspect.....

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Motion by Comm. Lambeth to appoint Mayor Pro Tem Montgomery to the Sewer Authority. Motion seconded by Comm. Dugan. Motion approved.

Downtown Development Study

Comm. Dugan mentioned that throughout the history of the Town, there has been discussion of downtown area extending, getting smaller, disappearing....and the number of issues over the last couple of years has brought it to a head again. Council has been talking about it and has one study that was done—a number of public meetings have been held with citizens and business owners.....items discussed from parking issues to motels, etc. Council is on record that they want the businesses to thrive in town—also on record to do whatever possible to make it reasonable for businesses to make a go of it in Kure Beach.

Council is also on record as not wanting to be just strictly a bedroom community—this is evident by our continuing to go forward with a lawsuit that he feels personally if the Town loses, it could stop a lot of discussion..... We have gotten a study that the people on Council do not feel meets the expectations and he would request directions as to how to proceed. He would like eventually to end up with a master plan....we need to develop some type of master plan for infrastructure of streets, etc., things that will be a must.....

Mayor Pro Tem Montgomery noted that when Council commissioned the study last year completed by the Department of Commerce, he did not feel all expectation were met. An ad hoc committee was formed to shepherd through this study consisting of several Council members, business owners, residents, etc. In continuing comments he mentioned that he felt that a conceptual study of what is possible for the business district is needed.

He commented on the present study noting that a conceptual study is needed to show what our community could look like and he felt Kure Beach needs a conceptual study of what we can do that fosters the growth and retention of businesses in our Town. This will require expertise and we must be willing to do it, be supportive of it—it doesn't come free—we have to be the one to write the grants.....

Comm. Dugan noted that now as Council discusses parking, it is discussed as a separate problem, same with mixed-use discussions and he felt this all needs to be put together.....

During Council comments, Mayor Fuller suggested Commissioners Dugan and Montgomery get together and solicit proposals and make recommendations at the next meeting.

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Comm. Ufferman suggested getting a carload of citizens to tour the beach town, if you have questions, stop at their Town Hall and talk to the people. He felt this was a good idea.

Mr. Mike Guzzello asked about the lawsuit previously mentioned by Mr. Dugan.

Comm. Dugan noted that the lawsuit concerning the Rolling Surf Motel is a matter of interpretation of whether single family homes can be built in the B-1 District. It is the Town's opinion that homes cannot be built in the business district unless they are related to the operation of the business.....

Mr. Guzzello also asked if the business people have brought forward a plan of what they would like to see.

Mr. Alan Votta member of the Development Study Committee noted that the Wrightsville Beach Charrette was very detailed and what we thought we were getting. Do you know why we did not get the full 5 day Charrette

Mayor Fuller noted that when Mr. Murphy sent the final report he was asked that question as we were all expecting something else and he noted their original scope of what they were signed on to do is what they delivered. Also Wrightsville Beach being a larger community and having a larger business district and more issues involved, it was done on a larger scale.....

During comments and discussion former Mayor Betty Medlin who was on the development committee noted that they (committee) had a copy of the Wrightsville Beach Report and had indicated that this is what Kure Beach wanted and she understood this is what Kure Beach would get.

Following additional discussion Mr. Russo asked the status of the law suit, the timing of the court of appeals.

Attorney Canoutas noted that right now we are working on record of appeal—once this gets in there will be the appellate brief, our briefs and it may get heard in the spring of next year.

Mayor Fuller noted that the consultant they are hoping to hire will give advice on things we can do with the public specs in Town—i.e., change the light posts in the downtown district, change the signage, spruce the area up, develop some type of architectural theme, etc., to make the area more attractive for businesses. Also P & Z has been looking into

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the parking issue and there should soon be a proposal coming forward. The suit may take one year, two years, three years, but in the meantime we need to continue to work on the things we need to do for the Town.....

Following additional comments and discussion, Mayor Fuller mentioned that Comm. Dugan and Comm. Montgomery have volunteered to see what consultants are available and get the information back to Council.

Tourism Development Authority Funding Request

Mayor Fuller mentioned that the Room Occupancy Tax is a tax collected on room rentals. It is authorized by State Statute from the N. C. Legislature in Raleigh. It is levied on hotel rooms, condominiums and houses that are used for short-term rentals. In New Hanover County the definition of a short term rental or definition of a property that must pay the ROT is any property that is rented out for more than periods of more than 2 weeks in a year, for periods of less than 90 days. This covers more than just motels.....The tax is levied at the rate of 6% of the room/house rental rate, i.e., if you rented a room for \$100.00 you would be required to pay an additional \$6.00 in ROT and the additional 7% sales tax. We are only concerned about the 6%--it is collected and sent to New Hanover County Finance Dept. The finance department separates that money into 2 parts—60% of the first 3% goes to a beach renourishment fund and that money collected county-wide money is to fund the local share of beach renourishment in NHC—current balance approximately 21 million dollars—idea was to keep accumulating money in that fund so at some point when the federal government got out of the beach renourishment business, New Hanover County would fund beach renourishment locally through the ROT. The remaining 40% goes to an organization called the New Hanover County Tourism Development Authority doing business as the Convention and Visitors Bureau—they print the visitors guide, they operate the Visitor Center at the New Hanover County Court House and promote tourism in southern New Hanover County in several publications.....In continuing comments he noted that the second 3% is levied under a different statute and is more specific to the towns it is levied in—the unincorporated part of the County does not collect the second 3%--Wrightsville, Carolina and Kure Beach collect it—money collected in Wilmington goes to the City of Wilmington and is used to fund their Convention Center....In the beach towns, of the second 3%, the county takes 50% of that and puts it in a Tourism Marketing Fund for the Town of Kure Beach. Out of that money comes administrative fees and collection fees for the TDA and the county for collecting the tax. That money can only be used to promote tourism in this Town.....In conjunction with that we have organized the Kure Beach Marketing Advisory Committee which consists of Helen Wilson, Fay Teague, Denise Hubbard and Brant Barnwell who work with the TDA to come up with marketing plan for Kure Beach.....they came up with a logo, will be starting a web-site, etc., to promote tourism,

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of the second 3%, 1 ½% goes into a tourism activity fund—administered by the TDA—that money accumulates in that fund and can be spent for activities and capital expenditures in the Town of Kure Beach that are directly related to the promotion of tourism. We (Council) receive requests from Town Departments, Town Committees, from groups in town. We fill out an application—it is approved by the Town Council and is forwarded to Tourism Development Authority (TDA) directors. They then must approve that expenditure as being consistent with the statute, i.e., Carolina Beach has used money to fund their lifeguard program—Wrightsville Beach has used theirs for lifeguard program. Last year Kure Beach got about \$25,000.00 to help with our lifeguards—to help pay salaries for supervisor and to provide additional equipment for the lifeguards. Tonight we are talking about funding requests from different groups—we have accumulated approximately \$110,000 in the fund. We sent a memo out to all Town Committees, Department Heads and various groups requesting they submit proposal.

Mayor Fuller asked if there were questions.

A resident asked the statute number Mayor Fuller noted he would look up the numbers and get back with him.

Ms. Donna Gurganus noted that being involved with the Chamber of Commerce she is familiar with the TDA Committee mentioned that the money collected in Kure Beach on the second 3% comes back to Kure Beach.

.....In continuing comments, she noted that in her opinion the money should be invested in something that is going to bring people back to Kure Beach.....

Comm. Dugan in commenting noted that he fears one of the things that could happen is that we get into a yearly spending of these funds and the get dependent on the funds..... He noted that the County is collecting the money so they can be self sufficient in the next 7 or 8 years as far as beach renourishment should the federal government pull out.....He would like to suggest and request Council consider only take a percentage on a yearly basis instead of using it all for various items.

Mayor Fuller mentioned that the total requested so far is \$86,797.00 out of the \$110,000.00.

Mayor Pro Tem Montgomery noted that he shared Comm. Dugan's comments in that just because we have \$110,000.00, doesn't mean we have to spend it all....In continuing comments he noted that he would like to propose that we set a limit.

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Comm. Lambeth noted that at the last meeting, Mrs. Gizzell indicated that what she will be proposing to the County Commissioners is basically hiring outside accountants and give them the authority to audit the duplexes at the 3 beaches—go back 3 years and subpoena their tax records and if they haven't paid their taxes as rental property they will be fined.

Mayor Pro Tem Montgomery noted that he would like to propose that we set a limit that without an emergency, that we generally maintain at least a 20% reserve balance.....

Following additional questions, comments, Mayor Fuller noted that it appears the amount requested will fall within the guidelines (20% to 25%).

The list of requests for the Room Occupancy Tax was briefly reviewed noting that specifics will be addressed. Mayor Fuller mentioned that before the requests can be sent forward, the applications need to be completed and approved by Council and then it can be submitted as a request to the TDA.

Mr. Ron Hanna addressing Council asked what is being done, since we are the only beach community that doesn't have a parking fee and we get a lot of people coming here because of that.....what are we doing about bathrooms? This is for tourists and that's what we need to be concerned about.

Mayor Fuller noted that Mayor Pro Tem Montgomery will address that as he is the Shoreline Parking & Access Committee liaison.

Mayor Pro Tem Montgomery in commenting mentioned that a number of proposals for public restrooms to be constructed here in town—most recent was a year ago when we obtained a grant to build a public restroom in the park, grant was approved by CAMA and subsequently we found out that the Department of the Army, Sunny Point, would not approve us using this area.....Also proposed this spring by the Shoreline Access & Parking Committee was the construction of a restroom facility at I Avenue and Fort Fisher Blvd. Across the street from a large public access area.....last committee meeting there was a public hearing and the item was tabled for discussion primarily because of a number of issues, the entire area will now be residential, there will be no businesses in that area—a proposal is being discussed with CAMA to construct a restroom facility in the vicinity of K Avenue/Atlantic Ave. intersection. This will require a lot more exploration and the public restroom project will be continued to be worked on

Another area of concern mentioned was the condition of some of the sand fencing and the possibility of repairing or replacing it where needed.

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Public Works Director Beeker mentioned that the sand fence was originally installed to protect the new dunes when the first beach renourishment project was done to keep people from walking on the new dune.....

In continuing comments/discussion Comm. Lambeth mentioned that CAMA also prefers that no more sand fence be put up if the dune is established.

Mayor Fuller noted that if he understood, Mayor Pro Tem Montgomery and Comm. Dugan are suggesting that we set a policy of spending no more than 80% of the second 3% of the money collected for tourism related activities in any given fiscal year. **Motion by Mayor Pro Tem Montgomery and seconded by Comm. Dugan to adopt a policy as stated. Motion approved.**

Mr. Gabby Kraus commented relative to the possibility of cutting off access to this money, or at least have an avenue for accessing the fund.

Mayor Fuller noted that it is a policy that was adopted and it can be changed at any time.....it is to serve as a guidance.

Mayor Fuller noted relative to the requests submitted, the only applications actually received are for the lifeguards and the ocean rescue. He mentioned that a letter was received from the Chamber of Commerce and Donna Gurganus also made a presentation to Council a couple of months ago. He mentioned the need to act on this in order to get the information to the TDA so they can approve it at their March meeting. He noted we have an application and explanation on the lifeguards, the ocean rescues and \$17,000 for Shoreline Access and then the explanation of what the Chamber of Commerce wants to use it for. Mayor Fuller asked for a motion to approve forwarding those applications, the Chamber of Commerce \$5,000.00, lifeguards for \$21,602.00, Ocean Rescue \$16,195.00, Shoreline Access matching grant \$17,000.00.

Motion by Mayor Pro Tem Montgomery to forward the requests from the Chamber of Commerce, the lifeguards, ocean rescue and the Shoreline Access to the New Hanover Tourism Development Authority. Motion seconded by Comm. Dugan.

Comm. Ufferman noted that the Beautification Committee, when they have their meetings feel they are just as important as lifeguards, Chamber of Commerce, ocean rescue and just because John (Chairman of Beautification Committee) is not here tonight he does not feel that it is fair tomorrow. He would like to see the proposals that were just mentioned.

Mayor Fuller requested Finance Officer Susan Suggs make copies for Comm. Ufferman.

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Ms. Suggs noted that she would make copies.

Mayor Fuller mentioned it was not the intention to slight the Beautification Committee, but as they have not had their meeting yet, it is not clear what their proposal is.

Mayor Pro Tem Montgomery asked if this is passed tonight, when can additional applications be considered.....

Mayor Fuller indicated at the March meeting.

Mayor Pro Tem Montgomery asked if it could still be forwarded to be funded in fiscal year 2006.

Mayor Fuller indicated yes and then called for a vote on the motion.

Motion approved.

Mayor Fuller requested the Beautification Committee and Public Works give Council detail request for review at the next meeting.

Mr. Gilbert Alphin mentioned that several years ago his family and two of his neighbors donated a walkover between N and M Avenues. After it was built, the Town came down and smoothed it out. There is now a big hump in it and he wondered if TDA monies could be used to remove the hump in the walkway between N and M Avenues.

Mayor Pro Tem Montgomery suggested this item be given to Shoreline Access to apply for a CAMA grant.....

In discussion, Mayor Fuller suggested Mr. Alphin get with Bo Goodman of the Shoreline Committee as soon as possible.

Mayor Fuller noted one absolute choice of the Mayor of Kure Beach is to declare a recess. Council meeting will resume at 9:20.

Recess

Meeting recalled.

Mayor Fuller recalled the meeting into session noting that the next item is:

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Appointment to the Stormwater Committee

Mayor Pro Tem Montgomery stated that persons completing and submitting applications for Stormwater Committee Appointments were Eric Vann, resident of Sloop Pointe, and Karen Varta, resident of Seawatch Way. He has discussed these applicants with the Public Works Commissioner and they felt it was a good start to get people involved.

Motion by Mayor Pro Tem Montgomery to accept the applications of Eric Vann and Karen Varta to serve on the Stormwater Advisory Committee. Motion seconded by Comm. Dugan. Motion approved.

Mayor Fuller mentioned that he would like to suggest that it would be nice to have someone south of K Avenue working on the committee as well.

Mayor Pro Tem Montgomery noted they will try and solicit someone.

Flood Plain Ordinance Approval

Building Inspector Dixon Ivey mentioned that this past summer Flood Maps were received from FEMA designating the new flood areas they have subscribed for Kure Beach. Basically along with this they require, FEMA, is that the Town adopt an ordinance so we can enforce what is indicated on the maps. For the past several weeks he has been working with the Town Attorney in drafting an ordinance. This is a federal mandated ordinance with contents referencing Kure Beach now and for future reference....a lengthy ordinance that goes along with the maps and enforcement.

Comm. Lambeth reiterated that this ordinance is federally mandated and Attorney Canoutas and Building Inspector Ivey have worked hard in drafting this ordinance, 22 pages, will require a public hearing. Motion by Comm. Lambeth to schedule a Public Hearing on March 21, 2006 at 5:30 p.m. (prior to regular Council Meeting). Motion seconded by Comm. Ufferman.

Mr. Peter Russo, resident, asked if the maps were final and does the Town have the ability to appeal.

Building Inspector Dixon Ivey noted that he had tried to appeal one section of Town and it did not go through. He mentioned that the area was in the north end of Town—the area there is fairly high but in the aerial photographs indicated the area Hwy. 421 and the west portion of Kure Beach Village was higher than what was in the middle (Hanby Beach) and it created what is called a ponding effect. In event there was a major storm, there

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could/would be a “wash-over” where waves could wash over Hwy. 421 and have no way to get out.

Mary Beth Whitten, resident, asked the purpose of the Public Hearing.

Also Building Inspector Dixon Ivey mentioned that he will have maps to show the zone individual property is located and should this proposed ordinance be included in the zoning ordinance, a public hearing is required and if it is not put in the zoning ordinance, the public hearing is needed to allow persons the review of the new maps and the ordinance.....

Following additional comments relative to these maps, ordinance, etc., Mayor Fuller called for a vote on the motion. Motion approved.

Clerk to advertise the public hearing and have copies of the draft ordinance available for review.

Resolution on the Building Height Limit in Kure Beach
(Excerpts of Comments)

Mayor Fuller requested Building Inspector Dixon Ivey distribute to the audience copies of the Proposed Resolution of the Kure Beach Town Council concerning a Local Bill for the Purpose of Regulating the Building Height Limit within the Town of Kure Beach and background information, letter to Rep. Danny McComas and Senator Julia Boseman (copy of each attached).

Mayor Fuller mentioned that under the Rules of Procedure, since he is going to be involved in the presentation and discussion of this item, if there is any discussion, Mayor Pro Tem Montgomery will take over and chair the meeting.

Mayor Fuller noted this is a culmination of the process that began more than two(2) years ago—there was a concern among citizens in Kure Beach that we protect the 35’ Building Height Limit so it cannot be easily changed and can not be changed without a lot of discussion and broad consensus within the community. He mentioned that the initial attempt was an attempt to amend the Town Charter to include the 35’ height limit—that was not successful and as it turns out, it was not necessary.....We have done additional research and have found out there are 5 other communities, most located in Brunswick County that already have local bills establishing the 35’ height limit.... In continuing comments he referred to the Resolution noting that if adopted, it can only be changed by a referendum of the citizens of Kure Beach. He referred to the documents submitted and explained each.....Also he referred to the letters to Rep. Danny McComas

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and to Senator Julia Boseman asking them to introduce the local bills in the next session of the state legislator.

Motion by Mayor Fuller that we (Council) adopt the Resolution and that we direct the Mayor to sign and forward letters to Rep. McComas and Senator Boseman with the attachments, asking the State to introduce the local bill. Motion seconded by Comm. Ufferman.

Comm. Dugan in commenting noted this is the first time he (and other members of Council) have seen it today....Basically the wording is general and this is the first time you/Council take any

Mayor Fuller noted that the wording of the Resolution is the same—as was seen in November 2004 and January 2005 with exception of the reference to the Town Charter, it is similar to the wording discussed at the Public Session.

Comm. Dugan mentioned that he was referring to the second page.

Mayor Fuller noted that the second page is the summary of the items that were discussed and the different options that were considered, the back ground is a summary of what we have been saying all along—letters are essentially the same letters that were presented when this was first brought up. He noted that he agreed with Comm. Dugan in that the exact wording

Comm. Dugan noted—the language is basically the same, he is referring to the specifics, the operational,

Mayor Fuller mentioned the intent is, in fact, the first action that the Council takes is to vote on this tonight.

Comm. Dugan noted that this is going through, this has nothing to do about whether this is going to pass or not—this is operationally when we have this on the books.

Mayor Fuller requested he turn to page 2—“upon receipt of a valid petition the Kure Beach Town Council shall schedule a referendum to coincide with the next regularly scheduled election in New Hanover County that is within at least 60 days of receipt of the petition”.

Comm. Dugan asked where is the builder in this. Somebody has to present something to somebody have people say we either want or don't want this.

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Mayor Fuller mentioned that actually the way it works if somebody wanted to raise the height limit, they could get 10% of the registered voters to sign a petition and they could present it to Council if it specifies in the petition what area of Kure Beach is covered by the change, then that could raise the height limit.

Comm. Dugan mentioned that is what he is talking about—if he were a homeowner and wanted to build a 40 foot home on the ocean front, he would get his signatures—is this the first step, or would he go to P & Z or

Mayor Fuller noted that this does not require the person to have a specific plan, all it requires, it's like the other referendums amendments to Town Ordinances, that are permitted under General Statutes—so you are not required to have a building plan or anything—you can simply say that “we want to raise the height limit in the RB-3 district to 40 feet if you have 10% of the registered voters who presented that petition, it can go to a vote.

Comm. Dugan asked what if it is for one piece of property.

Mayor Fuller noted that is not covered in here, you couldn't do that. Also he felt there would be problems with that because you would essentially be spot zoning.

Comm. Dugan noted that what he is reading is talking “town wide”.

Mayor Fuller stated no sir, it could be within a particular zoning district “the wording of the referendum shall specify the proposed change in the building height and the specific geographic area in Kure Beach in which the change would apply. The referendum wording shall not propose alternatives.”

Comm. Dugan mentioned that he said one thing and you (Mayor Fuller) heard another. He did not mean that the whole town was going to be changed, he meant that anywhere in Town, in any specific zone can be requested.

Mayor Fuller answered yes.

Mayor Pro Tem Montgomery noted in explanation that if he wanted to change it all in the RA-1 District, he could apply.

Comm. Dugan mentioned that say the Riggings could do it or somebody in the former Hanby area or anybody in between—it would be something zone specific rather than lot specific.

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Mayor Fuller stated “that is the intent of this and part of the reason it is drawn this way is it directs the concerns of people who thought that we didn’t want to lock things in forever and even as circumstances change—and this, personally if this was his decision to make, he would not be proposing this—he would have something much stricter, something much harder to change, but what he is trying to do is craft something that protects the height limit and gives citizens the right to vote, but at the same time, leaves the possibility of change if we see fit to change it.

Comm. Dugan noted as asked in the work session, who pays for the election.

Mayor Fuller stated that the Town does as we do any election.

Mayor Pro Tem Montgomery asked the Clerk to clarify the one issue, as there are certain elections that we do not pay for.

Clerk noted that Kure Beach pays for local elections.

Comm. Dugan asked if somebody presents a plan, gets the required signatures, and say it goes through—at that point it would be like things are now—they would go through the process.

Mayor Fuller mentioned that this does not change any other part of it—if somebody got the height limit changed, they would still have to submit their plans go through the approval (process). This does not give them approval.

Comm. Dugan asked if Council has the option of voting “no”.

Mayor Fuller noted they have the same option they do now—of turning down any proposal—if somebody came with a plan that didn’t conform.

Comm. Dugan said let’s say the plan conforms with everything and it got to us, how do we vote no if the referendum said that it is okay to go forward.

Mayor Fuller mentioned that if it conforms to the ordinances, the Council, if it conforms to all our ordinances, can we turn something down.

Comm. Dugan noted there is very little chance of it.

Mayor Fuller noted that part is not changed by this at all.

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Comm. Dugan indicated he thought this answered most of his procedural questions and before Council votes, he would like to state that he is going to vote “no” and why he is voting “no” has nothing to do with the height issue itself—it has to do with the referendum portion. He feels that it is a conceptual thing about the way our government runs. All five of us up here publicly ran for office based on whatever it was we stood for at that time. All of our comments are public comments and we are held to them—for good or evil. Whatever we say and everything we do is open to the public to see what it is we are doing. And he felt this is no different than changing the zoning in Town or any one of a number of other things. Obviously, it is extremely important---- it is extremely important to him personally too and if every building in Town stays 35 feet he is not going to lose one second of sleep so it’s not the issue—it’s the referendum.

Mayor Pro Tem Montgomery asked if any Council member had any comments or discussion.

Comm. Lambeth answered “nope”.

Mayor Pro Tem Montgomery called on Betty Medlin as she was first to raise her hand indicating she wanted to address this item.

Betty Medlin noted that on the order of what Comm. Dugan said, as she is famous for having been on record a dozen times saying that she does not feel that it is right for Council to tie the hands of future Councils—most of all, in the paperwork handed out, it says “upon receipt of a valued petition, that Kure Beach Town Council shall schedule a referendum to coincide with the next regularly scheduled election. Suppose someone comes in this year and there is not an election till 18 months.

Mayor Pro Tem Montgomery noted there is an election scheduled every twelve(12) months.

Mrs. Medlin in commenting noted that another thing she is against is that you (Council) are the governing body—people have elected you to do a job—why do you want to throw it back on the citizens to be the bad guy. That is what it looks like you are doing. You can’t make the decision so let’s get off the heating pad and let the citizens make it for us. You all know how I felt about this from day one. I think the citizens, the Council is the elected officials—the people put enough faith in you to elect you—you should be the ones to make the decision.....go back on record saying to the B-1 Business district—the B-1 Business District has had no incentive whatsoever to do anything—Now—that ya’ll are going to spend the money for a study, I have heard you have heard several things. But if you keep talking about the ROT funds down there, the more motels that go away,

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the less funds there are. Some of the business owners are totally disgusted at this point—just think about it—even if you do this just leave the B-1 District out of it. Dean just handed out something that says “To clarify the meaning of the ordinance, structures that exceed the height limit must be approved by the Building Inspector’s office”—why can’t that be true in this and not do the referendum. Mrs. Medlin thanked Council.

Mayor Pro Tem Montgomery called on Mr. Fred Tesh.

Mr. Tesh asked where this (documents submitted) came from—was it a work session ya’ll had back in February—it wasn’t discussed in the work session we had.

Mayor Fuller indicated that yet it was.

Mr. Tesh referred to the copies of other Town’s information.....

Mayor Fuller advised Mr. Tesh that this is basically the hybrid model listed among the three choices that were there. It is essentially the same resolution and wording that was proposed in January 2005 and we have been discussing for the last year and a half.

Mr. Tesh noted that it doesn’t seem like the copies coincide.

Mr. Peter Russo commented on the timing of the referendum with the next election and he applauds for that—as this gives time for the people in Town to discuss the issue rather than have an amendment to the ordinance presented to Council and overnight have them change without any discussion....He also applauds the idea of a referendum because of the importance of this the people should be involved directly and not simply have the elected officials apply their own personal judgment in such an important issue. He thanked Council.

A resident noted he would like to second what he (Russo) just said as he felt the Council should vote the way they feel. We feel on some major issue like the 35’ height limit should be up to the people.

Mr. Alan Votta noting that he has been in Town twelve years and he never thought for one minute that we would raise the height limit...He felt this had a lot of loop holes in it and the 10% of the registered voters for a petition, say 130 residents to sign the petition.

Mayor Pro Tem Montgomery read portion requiring 10% of the registered voters of the Town which is between 140 and 150 right now to sign the petition—if the petition is signed and verified by the Clerk as being 10% of the voters the Town will be bound to

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call a referendum, to contact the Board of Elections and schedule a referendum—at that point, the Council has no choice—regardless of where it was.....

Mr. Votta noted that is his problem with the whole thing—any developer can come into the Town and get the petition signed.

Mayor Pro Tem Montgomery indicated yes they can get the petition signed.

Mr. Votta noted this is the other issue—how many people will get out there and vote on this—that is what he would worry about—that is one of his concerns. Whereas with this Council we have a guarantee that with this Council it will never go over 35 feet.....

Mayor Pro Tem Montgomery asked if anyone else had comments.

Mayor Fuller noted he would like to respond starting with what Alan said.
(Mayor Fuller's response as it appeared in the February 22, 2006 Edition of the Island Gazette)

Following his comments the audience applauded.

Mayor Pro Tem Montgomery noted there is a motion and a second on the floor and asked if there is further discussion from the audience on this issue.

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There being no additional comments, Mayor Pro Tem Montgomery called for a vote, Motion approved—Voting aye—Fuller, Montgomery, Ufferman, Lambeth. Voting noe—Dugan. Motion carried 4 to 1.

Approval of the Town Hall Long Range Plan

Mayor Fuller mentioned that for several years now, and Mayor Medlin can back him up on this, during a hurricane, Town Hall, Fire Department and Police Department become the Emergency Operation Center of Kure Beach. For several years there has been a need to connect the buildings in order to provide access to the Fire Department without going outside during the hurricane—this has been on the drawing board for a number of years—last year the Police Chief identified the need for additional storage space for the Police Department.....There was discussion with Council as to the direction we were going as a Town, the future needs of Council and what might be needed in terms of buildings and structure. Architect John Sawyer was hired to come up with a master plan for the campus that Town Hall is on. He referred to a drawing posted and noted the drawing indicates

- reconfiguring the parking in front of Town Hall
- building the police storage on the end of Town Hall
- a corridor would connect the two buildings
- down the road, we know we will need bigger Council chambers and we will need a new fire station as there are some safety issues for fire standards that we need to meet in the next few years.
- we will have a new fire station that will be built where the corral is located.
- as part of changes a new meeting room will tie into connector—a new lobby and reception area (south end of present Town Hall
- the present Council room will be renovated for storage and additional offices for future staff.

This will take time and money and they requested the architect give a phasing of the project with a budget for each.

As part of Phase 1 he was requested to design area for police storage at the north end of the fire department building.

- the connector corridor which would go from back entrance of Town Hall around and tie into the Police and Fire Department Buildings
- re-configure the driveway in front of Town Hall to provide access to the police storage and additional parking for Town staff—this is Phase I.....

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We discussed this in staff meeting and the phases are not locked in—Phase # would be construction of a new Town Council room, the lobby, renovation of the offices and re-configuring of the parking lot—also will include construction of public toilets that will be ADA code compliant.

--the new meeting room will be state of the art meeting room—much more useful and comfortable for Council Chambers but will also be available for fire department training, police department training, will also be available for public meetings---a multi-purpose facility.

--the lobby and reception will be re-configured.....A stand alone facility that can be used when Town Hall is closed.

Phase III—construction of a new fire department (corral area) department will be a drive through facility—trucks will drive straight into the bays....we will also build a permanent emergency generator that will be sufficient to power the entire facility in the event of a hurricane....Also a portion of the building can be used for fire department equipment and apparatus storage.....

--last phase is very tentative, there is a proposal to move the Community Center to a portion of the present Fire Department building and either renovate the existing building or build a new Community Center in that space. This could also be area used for a nice place for a municipal parking lot close to the downtown and close to the beach.

The architect has put a budget together for Phase I of approximately \$236,000.00

--another portion of the project estimated cost of renovations \$550,000

--new fire station estimate \$708,000

--relocation of Community Center and expand Police Dept.—approximately \$550,000

--total of all estimates \$2,055,000.00

Mayor Fuller discussed the various proposed methods of funding and the project as a whole. What he will be requesting is approval of the overall project—no funds will be committed at this point except the funds for the architect to proceed with developing some programs and plans to start the project. Also we will consider in our budget session, some funds in the 06-07 budget for a portion of the project.....

Following additional comments and discussion were held relative to the proposed project and landscaping presently needed, costs of the present buildings and proposed cost of new/renovated structure, possibly consider a parking deck where the Community Center is located.

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Mayor Fuller asked for a motion to approve the over all concept and authorize the Police Chief and the Finance Officer to begin plans for the first phase in the budget for 06-07—without committing any funds for specifics. Motion by Comm. Dugan (as stated by Mayor Fuller) and seconded by Mayor Pro Tem Montgomery. Motion approved.

Mayor Fuller asked for motion to amend the agenda to move to item #16 under new business as the next item.

Motion as stated by Comm. Lambeth and seconded by Comm. Ufferman. Motion approved.

(Mayor Fuller noted that this will allow Building Inspector Ivey to address this matter and then leave the meeting).

Text Amendment to Section 19-333 of the Kure Beach Code

Mayor Fuller noted this item is to be sent to P & Z for their review and recommendation to Council.

Comm. Lambeth read aloud the present ordinance paragraph C relative to structures that exceed the height limit....wording needs clarification and he read aloud proposal. Those items to be sent to P & Z for review and return their recommendation to Council i.e., chimneys, cooling tower, elevator, etc. (copy attached).

Following comments/discussion **motion by Mayor Pro Tem Montgomery to refer this item to Planning & Zoning Committee for consideration. Motion seconded by Comm. Dugan. Motion approved.**

Proposed B-1 Parking Amendment—Schedule a Public Hearing

Comm. Lambeth noted there is a proposed amendment to Kure Beach Zoning Ordinance Section 19-334 Off-Street Parking requirements which he read aloud. (copy attached). He read aloud proposed amendments to the ordinance (copy attached).

Following the reading of the proposed amendment he mentioned that the former administration has said that they have tried to lift the parking restrictions for the last 12 years and nothing happened. P & Z has sent the request to Council on 3 different occasions to lift the parking restrictions. This is the first step in lifting the restrictions and helping the business district.

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In discussion and comments, Mr. Fred Tesh member of Shoreline Access and Parking Committee asked shouldn't the parking committee be included in the review. It was the consensus of the two committees to meet together on February 7 to review amendment.

Several recommendations on how to proceed were discussed and motion was made by **Comm. Lambeth noted the motion is to send the proposed amendment to P & Z for consideration at their March 7 meeting, Council will continue tonight's meeting (of 2/21/06) to March 8 to accept draft proposed amendment and authorize Clerk to advertise for Public Hearing to be held on March 21 at 6:30 p.m. (prior to Council meeting).**

Brief recess was called.

Following the recess Mayor Fuller recalled the meeting back in session noting that during recess Clerk noted concern that P & Z should have proper time to review and discuss the proposed amendment—this was previously discussed—info will go to the two committees and the **motion on the floor is that we refer to proposed amendment to P & Z and the parking committee for their recommendation at their meeting to be held March 7 and that Council continue this Council Meeting to March 7 immediately following their meeting at which time Council will receive the recommendations of P & Z and parking and schedule a Public Hearing for March 21 at 6:30 to consider the ordinance.**

Mayor Fuller noted there was a motion and a second and called for a vote. **Motion approved.**

Shoreline Access/ADD Grant Application

Mayor Pro Tem Montgomery noted that the two committees have prepared three preliminary grant applications which were discussed earlier 1) Community Center, 1) bike rack 1) covering installing ADA compatible boardwalks in the existing parking area. Deadline for preliminary grant applications is Feb. 28—application requires no commitment of funds at this time.

Motion by Mayor Pro Tem Montgomery to accept the three preliminary grants and to forward to Mayor for signatures and delivered to Coastal Management for consideration in the initial grant process. Motion seconded by Comm. Lambeth. Motion approved.

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Mayor Fuller mentioned that Comm. Dugan suggested that items 10,15 and 18 procedural items, as we have already heard:

#10 P.A.D.S. request for grant application by Ms. Iris Cannon
#15 Advertise for new member of the Kure Beach Marketing Committee
#18 Appointment of Commissioner Dugan as Kure Beach Representative to Council of Governments

Motion by Mayor Fuller that Council approve item 10, 15 and 18. Motion seconded by Comm. Ufferman. Motion approved.

Zekes Island Boat Ramp Resolution

Mayor Pro Tem Montgomery mentioned that numerous agencies have an interest in Zekes Island and have requested that Kure Beach support improvements to Zekes Island Basin area at Federal Point. On Feb. 20, the County Commissioners approved that there will be the grant applicant for these improvements, on February 14, Town of Carolina Beach passed a resolution in support of this effort and he recommended the Town of Kure Beach adopt a similar resolution. Mayor Pro Tem Montgomery read aloud the Resolution (copy attached).

Motion by Mayor Pro Tem Montgomery and seconded by Comm. Dugan to adopt the Resolution.

Comm. Ufferman commended Fred Tesh for his prior work in this area to keep the area clean. He thanked Mr. Tesh for this work..

Following additional comments, **the motion was approved.**

Competitive Fuel Contracts/Carolina Beach

Mayor Pro Tem Montgomery noted that during the last year the Town of Kure Beach spent approximately \$46,000.00 on fuel allowance, gasoline and diesel, for trucks, cars, etc. There is a statutory requirement that by state statute any contract that exceeds \$30,000 should be competitively bid—but for fuel informal bids can be accepted—we now purchase fuel from several vendors and his proposal would be to contact the vendors to see if there is a way to lower the cost or get them to sell on a tax exempt basis. (Susan is presently working on this). Presently we pay the tax and file for reimbursement. We are also talking with Carolina Beach as they are attempting to get a third party to install an in-ground fuel dispensing tank some where on Town property—it would be managed by

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a third party and dispensed either using a numeric code or pass card.....responsibility of maintaining it and doing everything will be borne by the third party—wholesale fuel distributor and basically for anyone wishing to sign on it can be a retail outlet they would buy fuel at bulk rate—In their proposal we would have no maintenance responsibility, no overhead cost, and yet we could be a customer. This is still in the planning states—it will be available 24 hours a day 365 days a year without leaving Pleasure Island.....He mentioned this is still in the development stages and will be at least another month before we come to Council with a proposal one way or the other—they will be continuing to review the issues involved.

Town Council Cell Phone Policy

Mayor Pro Tem Montgomery noted that in the past the Town has provided cell phones for the Mayor, Mayor Pro Tem as well as the Fire Department, Police Department and Public Works.....He would recommend that every town Commissioner should be available by cell phone for official business. Currently Comm. Dugan and Comm. Ufferman have cell phones provided under Town contracts—coast at \$54.00 a month. Mayor Fuller, Comm. Lambeth and himself are using their personal cell phone for Town business and **he would recommend that Council reimburse at the rate of \$30.00 per month for use of their personal cell phone.**

Comm. Dugan noted that new communication system is now being tested and so far they have not run into any problem. The system will continue to be checked and then the old system will be phased out.....

Mayor Fuller called for a vote on the motion. **Motion approved** (Mayor Fuller noted that this basically approved a budget amendment.

Policy and Procedures for lawsuits

Comm. Ufferman mentioned that he had submitted copies of the Risk Management League insurance policy and he would like for Council to review these and he would like to table this item until the March meeting. Mayor Fuller noted it will be on the March agenda under Old Business.

Comm. Ufferman requested a closed session to include the Finance Officer for a personnel matter and a legal matter.

Comm. Dugan suggested funding out the agenda items before going into closed session.

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Persons to Address Council

Gilbert Alphin noted that in regards to the plan, he felt there were other areas in Town that need to be addressed, i.e., citizens and tourist walking down the street falling and sustaining injuries....before Council spends any money on this he would like for council to fix our old problems.

Mayor Fuller noted that this is not instead of other things. We are working on and if you look at the list of assignments in his office, one of the things Comm. Lambeth has on his list is the ADA sidewalk issue.....

COMMISSIONERS' ITEMS

Comm. Ufferman noted that they have started on the budget and today at 5:30 we received our draft of the audit report and we have not yet received the audit portion relative to the water and sewer fund—this is still being worked on.

For information Comm. Ufferman noted that the 1st Monday Community Conversation will be attended by a New Hanover County Property Re-Evaluation Spokesperson talking about how the re-evaluation will effect everyone. He encouraged everyone to attend—it will be held first Monday of the month—March 6 at 8:00 p.m. at the Kure Beach Community Center.

Mr. Bob Glasgow, New Hanover County Tax Administrator, County Commissioner Nancy Pritchard and Kure Beach Town Councilman Ufferman will be attending. He mentioned that he is also working on a homestead exemption for people on a fixed income....

Comm. Lambeth mentioned that the Inspection Department is running along real smooth, several complaints have been handled and he felt Dixon is doing a good job as well as John who is more in tune with ordinance issues.

Comm. Dugan asked if since Susan has been made a Department Head, does Council need to make her an exempt employee.

Comm. Ufferman noted that this is in his item to present.

Comm.. Dugan noted the evaluations sent to Council have apparently been ok. Evaluations are for Department Heads. He and Comm. Ufferman have been talking and

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he feels that some of the Department Heads may also want to use this form for their employees.

Comm. Dugan the National Incident Management System (NIMS) 2005 explaining how the system works (copy attached). He mentioned that part of the requirement for this is that all people associated with a possible disaster take a short quiz which has already been taken by a majority of the Fire Department and Police Department..

Mayor Pro Tem Montgomery mentioned two things in the up-coming newsletter there will be an explanation about the sewer rehabilitation project which effects persons in the historic part of town. The other thing, he would like for a Council member to co-ordinate with David Heglar and start beginning to think about pre-hurricane season briefings for the general public and when they can be scheduled.

Mayor Fuller requested Comm. Dugan update Council on the process.

Comm. Dugan mentioned that he and David Heglar have had initial discussions along with Police Chief, Fire chief and Public Works Director to review material. They will continue this process.

Attorney Canoutas—no item.

Frankie Jones & Susan Suggs—no item.

Mayor Fuller mentioned that he would like to express his thanks and appreciation to his colleagues on this board—there is a lot of work being done and everyone is working cordially and diligently and sharing information. This is good for council. Also staff is working hard and he is very appreciative.

Mayor Fuller expressed appreciation to all who have attended and Council will now go into closes session.

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Montgomery to go into closed session. Motion approved.

Following the closed session, Mayor Fuller recalled the meeting into session.

Mayor Fuller noted that no action was taken and pending legal matters in which the Town was involved, no decision taken. Earlier this evening the meeting was continued to March 7—the Clerk suggested that Council consider continuing the meeting until the morning of March 8 so we are not crowding in on the P & Z meeting.

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In discussion it was noted that the ad would be in Star News one week and the Gazette the next week.

Motion by Comm. Ufferman to continue this meeting until March 8 at 9:30 a.m. to consider the B-1 Parking proposal and for an executive session to meet with the Attorney on a pending legal issue. Motion seconded by Comm. Dugan. Motion approved.

Meeting continued.

Minutes by _____
F. Jones