

Kure Beach Town Council  
Regular Meeting March 21, 2006

**Kure Beach Town Council  
Regular Meeting  
March 21, 2006 – 7:30 p.m.**

**Assembly**

The Regular Meeting of the Kure Beach Town Council was held Tuesday, March 21, 2006 at 7:30 p.m. in the Kure Beach Town Hall Council Chamber, 117 Settlers Lane, Kure Beach, North Carolina.

Present were: Mayor Tim Fuller, Mayor Pro Tem Mac Montgomery, Commissioners Dean Lambeth, Bill Ufferman and Jim Dugan. Also present: Town Attorney A. A. Canoutas, Town Clerk Frances Jones, and Assistant Town Clerk /Finance Officer Susan Suggs.

Mayor Fuller called the meeting to order and welcomed all in attendance.

**Invocation and Pledge of Allegiance**

Ms. Ann Brodsky gave the invocation in Hebrew and in English.

Following the invocation Mayor Fuller requested that all rise for the Pledge to Allegiance to the Flag of the United States of America.

**Approval of Consent Agenda**

Mayor Fuller noted the next item of business as approval of consent agenda, this is a list of routine items that requires no discussion or debate as a time saving mechanism, he noted that at the Clerks request the minutes of the regular meeting of February 21 and the continue meeting of February 21 be deleted from the list. **Commissioner Dugan moved, seconded by Commissioner Ufferman to approve the Consent Agenda. Upon vote, the motion passed unanimously.**

**Adoption of Agenda**

Mayor Fuller asked if there were any changes to the agenda. Commissioner Ufferman requested that discussion the storm water ditch behind Tucker Square be added to the agenda. This added under new business item number fourteen. Mayor Fuller noted number sequence correction and asked to add Beautification Committee Report by Mr. Gordon under report section. **Commissioner Ufferman moved, seconded by Commissioner Dugan to adopt the agenda as corrected. Upon vote, the motion passed unanimously.**

**Department Head Items**

**Administration**

Town Clerk Frankie Jones had no items at this time.

**Finance**

Finance Officer Susan Suggs stated that she had submitted her monthly financial report and if there are any questions to please contact her. She also noted that the Town's auditors have sent the audit report to the Local Government Commission and the are now on their third review. The report should come back shortly. Ms. Suggs outlined the preliminary budget schedule: Packets to Department Heads on March 24<sup>th</sup>, Department Heads to submit their budget requests by April 3, the first budget work session to be held the week of April 10<sup>th</sup>, others as needed, plan to present budget to Council by May 1 and advertise the public hearing right after that, Public Hearing to be schedule the week of May 8<sup>th</sup>, for consideration and possible adoption on May 23<sup>rd</sup>.

**After some discussion, Motion by Commissioner Ufferman, seconded by Commissioner Dugan to schedule the FY 06-07 Budget Work Session for April 12 at 10:00 a.m. Upon vote, the motion passed unanimously.**

**Public Works**

Public Works Director was unable to attend.

**Building Inspections**

Building Inspector Dixon Ivey noted that there has been discussion in the staff meetings and he has submitted a proposal for an ordinance change. This is not part of the Zoning Ordinances and does not require a Public Hearing. This is something that is coming up quite a bit lately it's to the Noise Ordinance section 11-31. Mr. Ivey read aloud the following portion:

ARTICLE III. NOISE

SEC.11-31. Certain noises prohibited.

- (a.)“The creation and continuation of any loud, disturbing and unnecessary noises in the town is herby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any person of the town.
- (b) The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of section, but such enumeration shall not be deemed to be exclusive:”

Building Inspector Ivey noted the one we are talking about is number eight Building Operations which states:

- (8) Building operations. “The erection including excavation, demolition, alteration or repair of any building in residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on week days, except in cases of urgent necessity in the interest of public safety and then only with a permit from the town.”

The proposed change:

- (8) Building Operations. “The erection including excavation, demolition, alteration or repair of any building in residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on week days **and 9:00. until 4:00 p.m. Saturdays** except in cases of urgent necessity in the interest of public safety and then only with a permit from the town.”

Building Inspector Ivey noted the reason for this ordinance is he has had several complains and that he has asked the contractors to limit their work on Saturdays, some have complied, some have not. He has told them that there is no work allowed on Sundays at all. Saturday work should be limited to interior painting, interior trim work – things that would not create a nuisance to the neighbors. This will allow them to work on Saturdays but even with this change he would like to limit the work.

Mayor Fuller asked Attorney Canoutas if he had reviewed this and if it was correct.

Attorney Canoutas replied he had reviewed it but it would have to be put in ordinance form and if approved could be effective tomorrow.

Commissioner Dugan asked about homeowners working on their properties on Saturday.

Building Inspector Ivey explained the way it reads now, if enforced, it would stop all homeowners and everyone else from being able to come down and do repairs on Saturday.

**Commissioner Dugan moved, seconded by Commissioner Lambeth to accept the change to ordinance Article III, Sec. 11-31 (8) as proposed by the Building Inspector and direct Attorney Canoutas to put it into ordinance format.**

Discussion: Mayor Pro Tem Mac Montgomery asked Chief Cooper about enforcement of this change in ordinance and noted his concern about the uniformity of the enforcement.

Chief Cooper noted that they have been enforcing it along with the resulting parking issues.

Mr. Gilbert Alphin asked about yard work and painting.

Building Inspector Ivey noted this did not address yard work just construction and painting was allowed. He noted it is a noise ordinance and it deals with annoying and disturbing noises and it deals with the peace and quite of the surrounding neighborhood.

**Mayor Fuller noted the Motion. Upon vote, the motion was approved unanimously.**

Building Inspector Ivey noted another problem as being construction debris on job sites and said he would like to put something together to increase the fines and bring before Council at next month's meeting.

### **Police Department**

Police Chief Dennis Cooper referred Council to a Proposed Ordinance Section 10-233 Parking on Public Property Prohibited noting that this has to do with habitation or camping out in vehicles. He asked that Council passed this ordinance tonight and amend

Kure Beach Town Council  
Regular Meeting March 21, 2006

the ordinance having to do with sleeping on the beach strand to include any public areas in Kure Beach.

**Commissioner Bill Ufferman moved, seconded by Commissioner Jim Dugan to amend the Code of the Town of Kure Beach to add Section 10-233.**

Mayor Pro Tem Montgomery asked questioned the terminology for the purpose of habitation.

Chief Cooper replied that it would be up to the officer to make the determination if they were camped out for the night or just sitting in their car and dosed off. Chief Cooper said at times people are using the parking as a camping spot.

**After further discussion and upon vote the motion was approved by a vote of 4 to 1. Mayor Pro Tem Montgomery opposed.**

### **Fire Department**

Fire Chief not present.

### **Emergency Response**

Mr. David Heglar, Volunteer Emergency Response Coordinator, gave a presentation on the Emergency Management Meeting held March 15<sup>th</sup> and noted that Council Members are to attend training session on May 9<sup>th</sup>. NIMS National Incidence Management Systems training required by the Federal Government all municipalities must comply by October 31, 2006. By complying your grant requests for emergency management mediation will get favorable reviews. If you don't comply then they will not approve the grant. That means all municipalities in New Hanover County.

Nimcast a twelve page on-line evaluation

Training for personnel responsible for emergency management

Town Elected Officials required to go through training can do it on-line or May 9<sup>th</sup>

And all elected officials in the county will be there

Rewrite our emergency response policy – various sections are specified

Avian Flu update was addressed an information sharing section.

Fear is that it will covert or change to be human to human transmitted and right now that has not happened or proved to happen.

If that should happen then we would become the supporting agency to the County Health Department – if it should come here naturally. We might set up vaccination places in Kure Beach. The Fire Department and Public Works would work to set up proper disposal of birds. On the other hand if it came unnaturally as if brought in by a terrorist then the County Sheriffs Department would be the lead agency and they would coordinate with the Health Department and we would still work for them.

One thing that came out is the need for some budget items we need to have masks and gloves.

It is now time to start Hurricane planning. Organization with people in place will need to be set up. Department Heads and Council need to meet in late April to get this set up with needed declarations outlined and ready. As soon as the Town Clerks position is filled we need to have a meeting with the full team to talk about the responsibilities.

Mayor Pro Tem Montgomery congratulated Mr. Heglar on the job well done on his presentation. He asked if he had a plan for some type of public orientation.

Mr. Heglar concerned that would be wise to inform the public since many are new to the area or have never been through this. At the request of Mayor Pro Tem Montgomery Mr. Heglar agreed to recommend a schedule for public orientation.

### **Shoreline Access and Parking Committee**

Mr. Chuck Keener with the Shoreline Access and Parking Committee also know as the SLAPC committee was present and noted how lucky the citizens of Kure Beach are to live here at Kure Beach and have such a fine group of citizens who have volunteer to work on all your committees. Shoreline Access Committee has a wonderful group of seven of the citizens and ADA has two or three more. He wanted to point out that they are all volunteers not paid public accountants and noted he was here to make some corrections on some mistakes that were made. CAMA has informed them that an extra grant cycle is coming May 28<sup>th</sup> which is very short notice. So it was put together in a very short time. The Committee has applied for four grants.

1. Fifteen Bicycle Racks at eighteen different beach accesses
2. Paying at the Community Center – improve the looks, add more parking and serve as beach overflow parking.
3. The ADA put in for a beach access platform to get from your car to the ramps. (Now they get in the grass, rock, mud and can't get their wheelchairs to the ramps.)
4. Public Restrooms in the pier area.

We thought that twenty-five percent of the Town's share was figured on the grant money requested and not on the total project. We were informed that was wrong and that changed the numbers slightly. We thought we could use all twenty-five percent of the Town's portion as in-kind and that was wrong. The Town has to provide half of the twenty-five as Town money not in-kind. CAMA caught these mistakes and have made the adjustments, I have not seen their figures but I would like to present the figures as I think they should be and could be.

If approved tonight and CAMA gives the approval, Mr. Keener may come back with slightly corrected figures at the next meeting.

Kure Beach Town Council  
Regular Meeting March 21, 2006

Mr. Keener further explained on the first three grants we are asking for \$6,286 more than was asked for at the last meeting. At the last meeting we asked for \$26,700 when the number should be \$33,000.

The fourth grant has not been before Council. When the three grants were delivered CAMA said there was a possibility we could put the restrooms by the pier area and if we could get the grant application back to them the next day it would be considered. Mr. Keener noted that he did so, if Council did not approve, that portion could be pulled. At this time CAMA has pre-approved all four grants and the money has been set aside.

For the Restroom we are asking for the Town's money to be \$13,750.

The total project for all four is \$232,645 and the cost to the Town would be \$46,000.

Mayor Pro Tem Montgomery noted at the last meeting Council had agreed to the asked the ADA crossovers be funded out of the TDA money, which comes from the Room Occupancy Tax, it has not gone forward yet at that time it was \$17,000 and we can increase that to \$21,000 possibly and that would decrease the Town's share.

Mayor Pro Tem Montgomery congratulated Mr. Keener and the Committee for going after and getting four grants. He noted that we should probably get Mike Crisenberry's approval on all four.

Audience applause.

Commissioner Dugan asked Mr. Keener to explain location and size.

Mr. Keener replied they had first tried to put it at the park and that got shot down. Then they tried to put it at the coral and that didn't work out. Then they tried to locate it at I Avenue and that didn't work out.

The Town has property at the lifesavers so if could the put the restrooms there we may can get a grant for another emergency lifesavers right there with it. This may give us the opportunity to get the money.

Commissioner Dugan stated this is the beginning of the restroom not the end of it.

Mayor Fuller expounded in order to go through the process we need to give the tentative approval. He also noted this is on the agenda later for consideration of approval by Council. He thanked Mr. Keener and the Committee for all their hard work.

Mr. Peter Russo noted he had come before Council about signage at the beach access sites. The sites already have signs which are very attractive wooden etched but at night they are difficult to see. The Committee would like to request to add four inch high "Public Parking" signs across the entire top of the sign in the international colors white background and green lettering at each access site that has parking.

Mr. Russo also requested that they establish a loading and unloading zone at the pier with the following signage: No Parking, Reserved for Loading and Unloading of Passengers, Additional Public Parking at K Avenue and Sixth Avenue. Directing people back up this way where they can use Town Hall on weekends for overflow parking and the coral for public parking. The movable sign at the intersection of K and Sixth would be put out on Saturday morning and taken in on Monday morning by Public Works personnel. That sign is just directing people to park at Town Hall weekends and holidays. Mr. Russo noted Chief Cooper has already taken care of ordering signs for the coral. Mr. Russo stated he was aware that North Carolina DOT approval is required for the sign directing parking K Avenue and Fourth toward the coral and has asked Public Works Director Sonny Beeker to obtain the approval. The cost of the request is \$600.00.

Mayor Fuller thanked Mr. Russo.

Chief Cooper said the only issue is the sign on K Avenue because DOT in the past has not allowed us to put any sign up. He noted he was fine with the rest.

**Mayor Pro Tem Montgomery moved, seconded by Commissioner Lambeth to authorized the expenditure of \$600 and the installation of the signs as recommended by the Shoreline Access Committee upon the funds to come at the recommendation of the Finance Officer. Upon vote, the motion was approved unanimously.**

#### **ADA Committee Report**

Mr. Gilbert Alphin said he personally wanted to thank Chuck Keener and Marka he is the guy doing the brain work on the committee. Mr. Alphin announced that last Friday the ADA Committee met with the Town's Attorney at his house. They saw a video that addressed issues that Mr. Richard Pierce who was another citizen who was in architecture and who was physically challenged and about some of the errors that our businesses practice. Mr. Alphin requested that at Council's advice we need to set a work session.

Commissioner Dugan asked did this pertain public buildings or private.

Mr. Alphin replied this was for private businesses. But the video had changed his whole perspective on ADA issues.

Commissioner Dugan asked what input the Town has on ADA legislation on private property.

Attorney Canoutas replied none. It was a matter of educating everyone to what their problems are.

**Commissioner Ufferman moved, seconded by Commissioner Dugan to set a work session with the ADA Committee on Wednesday, April 12, 2006 at 11:00 a.m.**

**No Vote was taken. Motion died.**

**Commissioner Lambeth moved, seconded by Commissioner Ufferman to set a work for Tuesday, April 18, 2006 at 5:30 p.m. session to discuss ADA compliance. Upon vote, the motion carried unanimously.**

Mr. John Gordon, Beautification Committee, presented Council with funding requests for Room Occupancy Tax.

1. Improvements to North Atlantic Avenue to make it more assessable and usable to the people. Proposing to put in a board walk along there, ADA Compliant and they can be taken up when they do the sewer repairs. The costs range from \$16,000 to \$54,000 depending on the type of material used. There is 1230 linear feet.
2. Putting in a guard rail estimate received from Seagars for \$20,439 for putting in two foot height pressure treated guard rails with four by sixes and six by sixes. They would look like the other guard rails around there.
3. Town Entrance Signs are all painted different and thought we would take that on with volunteers repaint them to make them more standard and add some planting and add irrigation, probably drip irrigation. The cost is \$1,000.
4. Dow Road Curve coming into Town – we would like to talk to Sunny Point about making the dirt walls look a little better, add some plantings and add a deer sign or warning sign which is a DOT call.
5. To improve the clutter of signs particularly along Atlantic Avenue, reduce or replace with more decorative signs and perhaps the street signs to look a little more like something for a beach.

Mr. Gordon requested that since Beautification would only be getting \$10,000 from ROT money, that the money be put toward the board walk as much as they could, and try to get other funding to complete the board walk and put in a guard rail on Atlantic Avenue to keep people from going off the road.

Secondly, Mr. Gordon asked Council to consider:

#### Town Beautification Budget

- Redo Town landscaping RTM estimate at \$15,010 plants, installation and warranty and the Flag Pole Memorial out front.
- Picnic Table or gazebo, benches, cigarette disposal \$2,500 was allocated for that
- Continue planting trees on Sixth Avenue medium except in front of the Baptist Church. Estimated \$2,500 town and \$2,500 for the forestry grant.

Total budget request \$10,910.

Thirdly, Mr. Gordon asked Council to consider the following to be funded by the New Hanover County Park Bond:

Joe Eakes Park, across the street, proposed items for consideration:

- Replace playground equipment



Kure Beach Town Council  
Regular Meeting March 21, 2006

- Put in some landscaping
- Put in a fitness or walking track

Mr. Gordon indicated that in discussion with Public Works Director Beeker, it was noted that the park land is leased and is the property of Sunny Point. Sunny Point could be hesitate to give approval.

Mayor Fuller thanked Mr. Gordon. He noted that this is a lot of information for Council to digest. One thing Council needed to be look at this meeting is the road median and tree planning.

Mr. Gordon interjected that he would have to fill out an ROT form. He would like to request \$10,000 to put in just as much of the board walk as we can.

Mayor Fuller explained that before Council could get to that point, they must look at the board walk plan and determine what kind of review and planning is necessary. The \$10,000 number was just a marker for the Room Occupancy Tax. to get an idea until since nothing had been received from the committee, that number can be changed.

The deadline to get on the agenda for the TDA March meeting has passed. They do not meet in April, so we have some time to work on them, we will have to wait until the May meeting.

Mayor Fuller stated last year the Beautification Committee planted about thirty native species trees on Sixth, E and I Avenue medians this really improved the appearance. They want to continue with more trees in other median through the Town.

**Commissioner Ufferman moved, seconded by Mayor Pro Tem Montgomery to authorize the Beautification Committee to apply to the North Carolina Forestry Grant to continue the road median tree planting for parts of Sixth Avenue. Upon vote, the motion passed unanimously.**

Mayor Pro Tem stated that the work they did was fabulous and he asked Building Inspector Ivey to meet and discuss where the contractor have torn up the median on E Avenue.

Building Inspector Dixon Ivey said they could meet tomorrow.

Mayor Fuller requested Mr. Gordon and Commissioner Ufferman meet with him to discuss the Room Occupancy Tax.

Commissioner Ufferman noted that in the Budget we had \$10,000. It was taken out until we were ready to do something and now that we have a purpose we could get that approved, submitted right away.

Kure Beach Town Council  
Regular Meeting March 21, 2006

Mayor Fuller replied certainly on the Town Hall items those three that came up to the \$10,900. If Mr. Gordon could get another estimate for us then certainly we can do that. Public Works should also ask for a proposal for a maintenance contract on the trees.

Council called for a brief recess.

Mayor Fuller reconvened the meeting.

## **Old Business**

### **B-1 Parking Amendment Change**

**Commissioner Lambert moved, seconded Commissioner Ufferman to refer back to P & Z the Proposed B-1 Parking change with 35% as the percentage and to hold a Public Hearing on April 18, 2006 at 6:30 p.m. to revisit the Proposed B-1 Parking amendment change and to ask the Clerk to advertise and send letters to all B-1 property owners. Upon vote, the motion passed unanimously.**

### **Southern Grant Works Memorandum of Understanding**

Commissioner Dugan explained that we have been discussing who writes grants for a couple of years now, basically it was who ever had felt they were qualified or had a decent shot at a grant, went ahead and did it. For some of the major items that we have got and also for grant research for what else is out there Commissioner Dugan along with Mayor Pro Tem Montgomery have looked for people who would do this for a fee. They have had several meeting with Dianna Wooley, who owns Southern Grant Works. What it basically states is that she will bill at \$75 per hour and not in excess of \$100 billing to be submitted monthly or at completion of the task. She would perform services that we would require of her or she would come to us with opportunities that she has found and we would decide if wanted her to continue. She would not be freelancing. She would be operating under the auspices of Council either for research or for specific tasks that we have given her as far as grant writing.

Mayor Pro Tem Montgomery stated he was very impressed and our discussions were positive and one thing is the fees – a number of organizations that do the work for you charge based on a percentage. This is specifically geared to the project we give her at a flat hourly rate based on what we want her to do and we will specify based on priority. Highlighting some of her background he noted she was on the faculty at UNC Chapel Hill, has major contacts there that can benefit us directly in urban planning and that goes right along with what we were wanting before and felt like was a shortfall in our central business planning, she feels she can get Chapel Hill to organize the c harette that we were wanting before and it would be ran by the Department of Urban Planning at the University of North Carolina at Chapel Hill and Tom Rowe was involved with that along with some other people.

**Commissioner Dugan moved, seconded by Commissioner Lambeth to vote to except the memorandum of understanding from Southern Grant Works subject to**

Kure Beach Town Council  
Regular Meeting March 21, 2006

**acceptable contract with a termination clause and to authorize the expenditure of up to \$7,500 part to be paid from the government relation fund and the reserve fund. Upon vote, the motion passed unanimously.**

### **Flood Plain Ordinance**

Mayor Fuller noted a public hearing was held on this earlier today.

**Commissioner Lambeth moved, seconded by Commissioner Ufferman to amend the Town of Kure Beach Ordinance Book to include the Flood Damage Prevention Ordinance Section 5-95 as presented. Upon vote, the motion carried unanimously.**

### **Appointments to Committees**

Town Clerk Frankie Jones stated the only application that was received was from Ms. Jean Martin. She noted copies had been left for Council.

Mayor Fuller asked Mrs. Frances Regan if the Community Center was okay with this application.

Mrs. Frances Regan replied absolutely, she did mention there was another one forthcoming Ms. Jeanie Gordon and we will need two replacements.

**Motion by Mayor Pro Tem Mac Montgomery, seconded by Commissioner Ufferman to appoint Ms. Jean Martin to the Community Center Committee. Upon vote, motion carried unanimously.**

**Motion by Mayor Pro Tem Mac Montgomery, seconded by Commissioner Dugan for the Clerk to advertise for members for three ADA Members, one for Stormwater and one for Board of Adjustments and two alternates. Upon vote, the motion carried unanimously.**

Mr. Ron Griffin asked if the Clerk was in receipt is of an application for Mr. Pat Smith that was submitted a couple of weeks ago.

Town Clerk Jones replied that the only application she had received that had not been assigned was from Mr. Tony Gonsolaves.

Town Clerk Jones noted there was one more from Mr. Ronny Pernell for TDA so he needs to be included. She would do it. That was voted on last month.

### **Shoreline Access Committee Grant Request**

Mayor Pro Tem Montgomery stated the Shoreline Access Committee has received tentative approval for four grants dealing with bike racks, ADA improvements, Community Center parking, and restrooms for a total project cost \$232,000 with requirement of matching funds in the amount \$44,786 of which \$21,595.75 for ADA improvements. Therefore, \$21,595.75 can be from TDA by amending our request to

Kure Beach Town Council  
Regular Meeting March 21, 2006

include that amount. The balance \$46,000 can be tentatively approved for grant purposes only subject to funding from grants.

**So approximately in rough figures \$21,500 from ROT and \$25,200 from the Town the total amount would be \$46,700 for planning purposes. This does not constitute a final commitment of money but would help when we go forward with the plan.**

**Mayor Pro Tem moved, seconded by Commissioner Ufferman to authorize Shoreline Access and Planning Committee to proceed with the four grant applications.**

Mr. Chuck Keener questioned if the in-kind portion of the grant, could replace the Towns money.

**Upon vote, the motion carried unanimously.**

**Text Amendment to the Zoning Ordinance Sect.19-33**

Commissioner Lambeth moved, seconded by Commissioner Ufferman that we have a text amendment changing Section 19-33 under paragraph C structure listed in section 19-33 paragraph D that exceed the height limits established must be approved by the building inspector's office.

Attorney Canoutas noted we need to have a Public Hearing.

Motion withdrawn by Commissioner Lambeth.

**Commissioner Lambeth moved, seconded by Commissioner Dugan to schedule a Public Hearing on April 18, 2006 at 6:30 or as soon thereafter as maybe heard for the proposed zoning ordinance amendment. Upon vote, the motion carried unanimously.**

**P & Z Recommendation on the Proposed Pier View Project**

**Motion by Commissioner Lambeth, seconded by Commissioner Ufferman to postpone consideration of P & Z's recommendation on the Proposed Pier View Project until the regular April Meeting. Upon vote, the motion carried unanimously.**

**New Business**

**Sea Turtle Contract Proposal from Jodie Lamberdo Smith**

Mayor Pro Tem Montgomery explained that each year we have a contract to protect the endangered sea turtles. Jodie Lamberdo Smith currently holds a permit with North Carolina Resources Commission to serve as a moderator or project coordinator for sea turtle and sea turtle volunteer training, location and nesting monitoring. They are out there each morning checking the beach from May until the end of the nesting season and

Kure Beach Town Council  
Regular Meeting March 21, 2006

then they hatch. A lot of work is put in all by volunteers and all for \$700 a month which is a slight increase over last year. They put in probably 5000 hours last year.

Attorney Canoutas noted the contract was fine.

**Mayor Montgomery moved, seconded by Commissioner Lambeth to award the Sea Turtle Monitoring Contract to Pleasure Island Sea Turtle Project for \$700.00 per month to commence May 2006 from the Beach Renourishment Fund. Upon vote, the motion was approved unanimously.**

#### **Beach Renourishment Coordinator**

Mayor Pro Tem Montgomery stated in December 2005 Mr. Gary Owen resigned as the Beach Renourishment Coordinator for the town and that position has not been filled. Beach Renourishment for Kure Beach is now scheduled for 2007 as part of the joint plan with Southern Carolina Beach and Kure Beach. He stated we will need someone to coordinate this. Mayor Pro Tem Montgomery noted that this past week he and Mayor Fuller met with Mr. John Southerland and Mr. John Morris from the Department of Environment and Natural Resources the Water Resources Division. They coordinate all State funding, which is about seventy five percent of the funds not covered by Federal Government, a very large portion for us. They were very impressed with the work we are going to do and in support of the project. We are constantly fighting for waterway money from the Federal Government. We also have meetings scheduled with Congressman McIntyre's Office and with the Corp of Engineers to discuss our up coming project. Things are starting to happen.

**Mayor Pro Tem Montgomery moved, seconded by Commissioner Ufferman to advertise for a paid consulting or contract position for the beach renourishment coordinator pay to be determined from the applications receipts. Job description to be based on the previous job description.**

Mayor Fuller asked if there was a description of the job.

Town Clerk Jones did not think so but would look.

**Upon vote, the motion was approved unanimously.**

#### **Community Spirit Proclamation**

Mayor Fuller noted that every year a Banquet was held in honor of those recognized for their contribution to the community. This year's Banquet will be Saturday night, March 25, 2006. Mayor Fuller read aloud the Proposed Proclamation: See Attached

**Mayor Pro Tem Montgomery moved, seconded by Commissioner Jim Dugan to adopt the proclamation as read. Upon vote, the motion carried unanimously.**

Mrs. Frances Regan announced that tickets are still available. It is a great honor for our recipients of each award which is Lifetime, Annual and Youth. This will hopefully

arouse more people to volunteer to do things in their community, neighbors and all around. The recipients will be announced at the Banquet Saturday night.

**Recommendation from P & Z on the Sea View Project**

Commissioner Lambeth announced that on March 18<sup>th</sup> P & Z reviewed the proposed site plan for the Sea View project located at 627 Fort Fisher Boulevard North. The project will consist of nineteen single and town house units. Discussions with Public Works Director Beeker noted no problem with the infrastructure Chief Heglar noted no problem with the fire safety. They did have to add a second fire hydrant. One item for Council to consider is they plan to have private garbage disposal. Storm water will be taken care of on site. There will be no paved roads; there will be a combination of stone and oyster shell. There was some question about the width of the parking spaces but that has been resolved.

Commissioner Dugan asked if these would be Town Streets.

Commissioner Lambeth replied no. He noted the utilities would be buried, all would be underground and the board walks would be nonpervious.

**Commissioner Lambeth moved, seconded by Commissioner Dugan to give sketch plan approval in accordance with the recommendation of P & Z. Upon vote, the carried unanimously.**

**Board of Adjustment Vacancies**

This item was previously addressed.

**Advertisement for New Town Clerk**

Mayor Pro Tem Montgomery announced that after thirty-one years of servitude that Frankie plans to retire March 31, 2006. By North Carolina General Statute the Town must appoint and have a Town Clerk that is not an option. Council feels that position should be advertised and we should the attempt to get the most qualified person in and try to continue on with what Frankie has laid down as far as the ground work goes.

The correct way to do this is advertise and advertise as widely as possible. The North Carolina League of Municipalities offers publications, a newsletter, and a web site and as a member we can use that.

**Mayor Pro Tem Montgomery moved, seconded by Commissioner Ufferman to direct the Town Clerk to advertise for a new Town Clerk for the Town of Kure Beach and Commissioner Dugan to draft the advertisement. Upon vote, the motion carried unanimously.**

Kure Beach Town Council  
Regular Meeting March 21, 2006

Mayor Pro Tem Montgomery noted the General Statutes of North Carolina requires that we have a Town Clerk and therefore pending hiring a full time Town Clerk through the advertising process:

**Mayor Pro Tem Montgomery moved, seconded by Commissioner Jim Dugan that Susan Suggs, our Finance Officer, be appointed our Interim Town Clerk in accordance with the General Statutes with the effective date of April 1, 2006. Upon vote, the motion carried unanimously.**

Ms. Suggs noted she was willing to do the Clerk's job but hoped she could call on Frankie for help, if needed, at least via the telephone.

### **Ditch at Tucker Square**

Commissioner Ufferman noted he had talked with Peter Voulter who is greatly concerned about the ditch at Tucker Square which needs immediate attention. This storm water ditch runs along Spot Lane to the military exclusion zone at Carolina Beach. He has a five year old and a seven year old and there are other children in the neighborhood. He is concerned that someone will fall into that ditch. There is no protection and the ditch is about twelve foot deep, the road is about ten feet from the drop off. The fall would be dangerous enough but anyone who survived the fall would have no way of getting out. Commissioner Ufferman suggested that this be acted on tonight.

Mayor Pro Tem Montgomery went down and looked at the ditch it is eight to ten feet deep, fifteen feet wide and extends the entire length of Spot Lane. He discussed it with Public Works Director Beeker and Attorney Canoutas. The ditch is physically located in Sunny Point Military exclusionary zone, the ditch is our ditch, we dug it as part of a project some years ago and left it opened because there was insufficient money.

Mayor Pro Tem Montgomery noted that as a temporary measure a fence should be put up now and we look at a permanent method to fix this as it should have been done.

**After further discussion, Mayor Pro Tem Montgomery moved, seconded by Commissioner Ufferman to direct Public Works to erect a fence the entire length of Spot Lane as soon as practical, to be funded out of the General Fund if necessary and at least four feet in height and have signage to warn people to stay out of there. Upon vote, the motion carried unanimously.**

### **Persons to Address Council**

No one came forward.

### **Commissioner Items**

Commissioner Ufferman stated he would like to say that we need citizen ideas and suggestions from everybody. They are accepted and taken and passed. Thank you.

Commissioner Lambeth stated that he hopes Frankie enjoys her retirement and uses her condo at Myrtle Beach in order for her to shag and really does have a great retirement.

Town Clerk Frankie Jones thanked Mr.Lambeth for his comment.

Commissioner Dugan had no comments at this time.

Mayor Pro Tem Montgomery noted the South Side Sewer Project is progressing very well. All the sewers from K Avenue to E Avenue and 6<sup>th</sup> through 3<sup>rd</sup> have all had the cameras run through all those sewers. They have found that for every gallon we were pumping two gallons due to the amount of infiltration from that part of Town. The project is already funded at 1.4 to 1.5 million dollars for the whole project. We have no indications that we will go over budget at this time. Mayor Pro Tem Montgomery would like us to consider if it's possible to borrow for the project is the rates are less than our investments. So we can consider this at the next Council meeting.

Attorney Items – Council agreed to move this item to the end of the Meeting  
Closed session for legal matters according to 133-318 par. 3 Legal advice client/attorney privilege.

Mayor Fuller noted that Town Staff is willing to have the New Year's Eve Fire works at Kure Beach and if Council approved they will inform the Island of Lights that we will host the Fire Works this year.

Mayor Fuller noted that he is working on getting the agenda's out earlier. He recommended that Council adopted a policy that all the committees, department heads or anyone else who are going to give us stuff to consider that those handouts be given to us the Friday before the meeting. That gives the Clerk time to give us the documents and we have time to review them before the meeting.

Commissioner Ufferman noted that he and the Finance Officer are working on a cash flow showing the obligations and the funds these are important numbers and we need to get them out and in your hands.

### **Closed Session**

**Commissioner Ufferman moved, seconded by Commissioner Dugan to go into a closed session to discuss legal advise with our Attorney. Upon vote, the motion carried unanimously.**

### **Reconvene**

Mayor Fuller called the meeting back to order noting that we had a closed session for the purpose of discussing legal matters and receive attorney client privilege advice from the Town Attorney. No decisions were made.

### **Adjournment**

**Commissioner Ufferman moved, seconded by Commissioner Jim Dugan to adjourn the meeting. Upon vote, the motion carried unanimously.**

Meeting adjourned.



Kure Beach Town Council  
Regular Meeting March 21, 2006

Respectfully submitted,

Susan G. Suggs, CMC  
Assistant Town Clerk