

**Kure Beach Town Council
Continued Meeting
April 19, 2006 – 7:30 p.m.**

The regular meeting of the Kure Beach Town Council was continued from Tuesday, April 18, 2006 to Wednesday, April 19, 2006 in the Kure Beach Town Hall Frances S. Jones Council Chamber.

Present were Mayor Tim Fuller, Mayor Pro Tem Mac Montgomery, Commissioner Jim Dugan, Commissioner Dean Lambeth and Commissioner Bill Ufferman. Also present Town Attorney A. A. Canoutas and Interim Town Clerk Susan Suggs.

CALL TO ORDER

Mayor Fuller reconvened the continued meeting.

PERSONS TO ADDRESS COUNCIL

Mr. Charlie Allo noted his frustration with the application of our Zoning Ordinances and made a proposal for a forum and debate on the application of our zoning ordinances. He recommended two positions the Pro and Cons. The Pros – Town Council, P &Z, developers, realtors, legals not to exceed ten people. For the Cons – Charlie Allo and anyone else who is real familiar with the zoning and law. Points that need to be covered are residential parking versus vacation rental, methods used to determine zoning ordinances, training, overview of Planning and Zoning Commission and rules of debate. This to be held at the Community Center moderated by a member of the Board of Adjustments on a Saturday with one minute per side comment time and one minute per side reply time. Replies should be based on NC Statues and Town Ordinances as much as possible. Date and time up to the Pros. That's his outline accept it or don't accept it.

CONSENT AGENDA

Mayor Fuller noted one change to the consent agenda. He noted that it did not include the minutes of the March 21, 2006 meeting that they were not complete.

Commissioner Dugan Moved, Seconded by Commissioner Ufferman to approve the consent agenda with the change. Upon vote, the Motion Passed Unanimously.

ADOPTION OF THE AGENDA

Item 14. **Commissioner Dugan** requested to add under New Business a Work Session for Council on Committees.

Item 15. **Commissioner Ufferman** requested to add under New Business a Public Hearing for the Budget.

Mayor Fuller requested two items to be added under Department Head Items to present to Council – The Beautification Committee has asked to report to Council by Mr. Bo Goodman.

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Item 13. Under New Business - Council to discuss and give guidance to Commissioner Lambeth on Building Inspector's resignation.

A Motion was made by Mayor Pro Tem Montgomery, Second by Commissioner Lambeth to accept the agenda as amended. Upon vote, the Motion passed unanimously.

DEPARTMENT HEAD REPORTS

Int. Town Clerk/Finance Officer Susan Suggs noted that a temporary employee, Cindy, working at the front desk and we will be getting another temporary next week to help us in the interim.

Mrs. Suggs announced that the audit report has been received and they are working on the budget for the upcoming year. So far there has been two Work Sessions on the budget.

Commissioner Ufferman added that two years ago Commissioner Fuller talked about going to the bank and getting CD's and making substantial interest. The Town switched banks and with Tim's persistence and Susan's hard work from February 1 to June 30 we expect from fifty to fifty-five thousand dollars in interest income. Commissioner Ufferman noted that before that time our cash flow projected closed to even and now we project a surplus.

Public Works Director Beeker reported that the repair work on the sewer system has started – the section between K and E and the highway. They will be setting about thirteen new manholes and they will be using some pipe that may be set out prior to installation. He noted that the items would only be out for a short while before installation. He requested if the items are there for longer than a week to notify him.

Mayor Pro Tem Montgomery announced that when they are replacing some of the manholes and some of the sewer laterals there can be a disruption of service. The affected homeowners will be notified the day before and they will attempt to get the service restored as quickly as possible.

Building Inspector Dixon Ivey noted that he had planned to give a brief talk on the Hurricane Conference he attended last week but due to pile up of work he was unable to get that together.

Police Chief Dennis Cooper did not have anything new to report.

Fire Chief Harold Heglar was not in attendance.

Emergency Management nothing to report.

Town Web Site, Mr. Ron Griffin reported that we have links page that provides fast links to commercial business in our town, we offer this as a service to any business or

church in our Town. Currently we have a total of ten that fall in that category. In addition to that we provide links as a service to the visitors to our web site so they can quickly link to the web sites of the local newspapers and the Wilmington Television stations and we have a link to the Cape Fear Coast Convention and Visitors Bureau, and links to the State facilities down at Fort Fisher, the historic center and the State Beach Park. Mr. Griffin noted he is in receipt of a request from Mrs. Jody Lamberto Smith to provide links to the Gurney Hood Barking Lot and the Pleasure Island Sea Turtle Project Web Site. He requested Council's concurrence in providing links to those two web sites and in addition to that he requested approval to provide links to the Pleasure Island Chamber of Commerce. Mr. Griffin explained that if approved he would first list them on the current news page for three or four weeks so people would know they are available and after that he would have them available on the links page.

A Motion was made by Mayor Pro Tem Montgomery, Second by Commissioner Dugan to approve adding the links to the Gurney Hood Dog Barking Lot, The Pleasure Island Sea Turtle Project and the Pleasure Island Chamber of Commerce. Upon vote, the Motion Passed Unanimously.

Mayor Fuller asked if we have a policy on our links.

Mr. Griffin noted that we have an online form that we are using and when received it is brought to Council for approval.

Mayor Fuller expressed thanks to Mr. Ron Griffin, our volunteer web site administrator, for all his effort and good work on the Town's web site.

Mr. Gilbert Alphin, ADA Committee, expressed his thanks to Council for yesterday's work session. He informed Council that ADA would like to use the remainder of this year's money \$2,400.00 to assist Tom Cannon, Lifeguard Coordinator in purchasing a new beach wheel chair. He noted that we have received a letter thanking us for having this available for public use.

Motion from Commissioner Bill Ufferman, Seconded by Commissioner Dean Lambeth to authorize the expenditure of up to \$2,400 from the ADA budget to assist the Lifeguard Coordinator in purchases a beach accessible wheel chair. Upon vote, the motion carried unanimously.

Mr. Bo Goodman, Beautification Committee, expressed his thanks to Sonny Beeker, Dennis Cooper and others for doing a good job for the whole town. He thanked Chuck Keener for volunteering and working so hard for the town.

The Beautification Committee requested funding for the following items:

1. Uniform welcome signage, landscape upgrading and lighting at all locations.
Estimated cost \$2,000.00.

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2. Landscaping at the parking lot and add water at side. Estimated cost \$500.00
3. Town Hall Landscaping – Benches, waste receptacle, picnic table and cigarette dispenser. Estimated cost \$1,700.00
4. Change appearance at Dow Road Curb. Clear brush at south side and M Avenue. Talk with Sunny Point.
5. Speed bumps

Motion by Commissioner Ufferman, Seconded by Commissioner Lambeth to approve items 1,2 and 3 and then work on 5, and 4 would need Sunny Point's approval.

Mr. Donald Lindsay noted that he had heard the comment that everyone on Atlantic Avenue had been notified.

Mrs. Candace Clark noted that she had notified as many as she could but had not mentioned the speed bumps.

Commissioner Lambeth noted that a handicap conversion van was damaged on Atlantic Avenue due to the speed bumps.

Additional conversation continued about the landscaping costs, utilizing native and low maintenance plants, about the manpower and landscaping up keep costs.

Mrs. Frances Regan noted that we have to keep it up and it has to be watered and before we do it, we should be sure we have the professional people to take care of it on a regular basis. There are so many other things needed. Sonny's department doesn't have the manpower to keep it up.

Mr. Tony Gonsalves reiterated that the Beautification Committee had discussed the maintenance and they as a committee are not able to keep the maintenance up and they know that Sonny's department has to much to do to keep all the projects up.

After much further discussion, it was requested that item number five be tabled and number four would require Sunny Point's approval prior to our action.

The motion was amended.

Motion by Commissioner Ufferman, Seconded by Commissioner Lambeth to appropriate \$4,200.00 from the General Fund to handle Items 1, 2, and 3 and have the Beautification Committee report back to Council next month with landscaping proposals. Upon vote, the motion passed unanimously.

Mr. Bo Goodman continued with discussion about possible utilization of Room Occupancy Tax money, for beautification of the beach and Atlantic Avenue, and improvement on the corner of N and Atlantic Avenue to beautify the area. He pointed out that removing brush and debris along the corners would help. As a long range plan walk ways, bike paths, posts and ropes, elimination of some of the signs and estimated a cost of \$13,000.00 for the rope.

Ms. Candace Clark remarked that the dune fence used to be three feet off the road after hurricane Fran the fence was put back about seven or eight feet off the road that is really the problem this allows people to drive over and park over there. The Beautification Committee discussed that there needs to be an area between the dune fence and the road where people can walk and possibly ride a bike. Ms Clark noted that if you take down the dune fence people will be running up and down the dunes.

Public Works Director Beaker noted that Public Works would have to have access from the road side for cleaning purposes.

Mr. Goodman explained that by using four by fours for the project they could be taken up and then put back down.

Chief Cooper explained that much of the signage was regulatory and can't be eliminated but can be reduce somewhat.

Mr. Gilbert Alpha requested drainage be added to the list.

After further discussion Motion by Commissioner Bill Ufferman to accept application for TDA for the request from Beautification Committee.

Motion dies for lack of a second.

Mr. Gabby Kraus stated that Council should consider moving this to a work session.

Ms. Candace Clark relayed that they were under a time crunch to submit to TDA.

Mayor Fuller explained that TDA will not meet in April and we have to submit three weeks prior to a scheduled meeting and the next scheduled meeting is May 23. So this would need to be submitted around the second of May. The TDA Money is there, it does not have to be part of the Town budget, so if you have to go to the TDA in June the money would still be there.

Commissioner Ufferman requested Council schedule a work session.

Mayor Pro Tem Montgomery noted his support for the corner of N Avenue and Atlantic. He noted his concern due to a couple of years down the road a sewer rehabilitation project involving Atlantic Avenue, and then the subsequent repaving of Atlantic Avenue, there has been discussion of a board walk along Atlantic Avenue and we have early

discussed speed bumps on Atlantic Avenue, signage on Atlantic Avenue. He said we have to have a unified direction about what it is we want for that street he would like SLAC, ADA to have an idea or plan concept. He noted landscaping at corners was not affected but the east side of Atlantic running from L Avenue to N Avenue was the issue. He noted we need to know what we want as a Town.

Mayor Fuller asked if that is fair to the Committees they don't have drafting ability, architect ability, horticulture ability, etc. to do that.

Mayor Pro Tem Mac Montgomery Moved, Seconded by Commissioner Jim Dugan to appoint a Council Member, and it can be the Commissioner in charge of Public Works, to contact a professional, either through NC State or through our grant writer, to get professional assistance immediately in drawing this up and present at the May meeting, and request for funding is necessary to pay for this. Upon vote, the Motion passed unanimously.

Mayor Fuller thanked Mr. Bo Goodman and everybody on the Beautification Committee. He noted that Candace Clark had made copies of the letters from everybody that lived along Atlantic Avenue and they are available for review.

OLD BUSINESS

Amendment to Zoning Ordinance Section 19-334 – Off Street Parking Commissioner Dean Lambeth Moved, Seconded by Commissioner Bill Ufferman to adopt the amended Zoning Ordinance Section 19-334 of the Kure Beach Off Street Parking Requirements as written by Planning & Zoning. Upon vote, the Motion passed unanimously. Commissioner Lambeth noted that the Attorney has given his approval on the writing and he noted that the Former Mayor had expressed in the February Planning and Zoning meeting that she had tried to get the parking restrictions lifted on eight different occasions.

Mayor Fuller stated that a Public Hearing was held on the proposed amendment last night. He asked if there were any further comments or discussion, there being none, **Council voted and the Motion passed unanimously.**

Resolution on CAMA Grants

Mr. Chuck Kenner gave an update on the four CAMA grants.

- 15 New Bike Racks
- Pave Community Center Parking Lot for use as Beach Access Overflow parking
- Restroom – still in the hands of architect – CAMA has allowed us to submit it as is pending the architectural drawing
- Together with ADA – improving Beach Access for wheel chairs

Mayor Pro Tem Montgomery read one composite Grant Application of the four applications aloud:

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RESOLUTION in support of the CAMA Public Beach and Coastal Water Grant Application for the Town of Kure Beach.

WHEREAS during it's regular scheduled meeting on March 21, 2006 and April 19, 2006. The Town Council of the Town of Kure Beach reviewed and approved the proposed Grant Applications for the K Avenue Restroom Facility, Beach Access Parking Improvements, the Bike Rack Installation, Beach Accesses upgrade and Handicap Parking, and

WHEREAS the Town of Kure Beach desires to improve public access to it's beaches, and

WHEREAS in accordance with Shoreline Access Plan the town desires to improve access to it's beaches by constructing a public restroom facility at K Avenue, Improve Beach Access Parking at the town's Community Center, Install Bike racks at fifteen public beach accesses, and upgrade handicap parking at seven beach accesses, and

WHEREAS the Town Council is submitting four grant applications to the North Carolina Division of Coastal Management requesting funding in the amount of \$174,483.75, and

WHEREAS the Town will match that grant with a contribution of in-kind services and cash totaling \$58,161.25,

THEREFORE BE IT RESOLVED that the Town Council after public review and approval supports the CAMA beach access and Coastal Water Access Grant and agrees to match the grant with \$58,161.25.

Mayor Pro Tem Montgomery Moved to adopt the resolution, seconded by Commissioner Jim Dugan. Upon Vote, the Motion carried unanimously.

Mayor Pro Tem Montgomery explained that we would have to sign all four documents and this does not constitute a contract between the Town and the Division of Coastal Management. If this grant is approved we will be forwarded a legal contract which will be subject to the Attorney's review and will be signed and at that point obligates us to pay the money. If after we receive the contract, we decide not to accept it, then it will be void.

Mayor Pro Tem Moved that Council have a Public Hearing in conjunction with the regular scheduled meeting of the Shoreline Access Committee Meeting on Tuesday, May 16 at 6:30 p.m. in the Town Council Chambers to take public comments on the specific location of the Public restroom facility on K Avenue. Upon vote, the Motion was approved unanimously.

COMMITTEE APPLICATIONS

Commissioner Dean Lambeth Moved, Seconded by Commissioner Jim Dugan to defer Committee applications to the May Meeting. Upon vote, the Motion passed unanimously.

PRIER VIEW PROJECT

Commissioner Dean Lambeth announced the Proposed Prier View Project went before Planning and Zoning they approved it with a contingency that the B-1 parking amendment was passed. That amendment was passed tonight.

Commissioner Lambeth recommends that the owners of the Prier View Project apply for a wavier on the parking and resubmit the plans to Planning and Zoning for their full approval. The plans need to be in fifteen days before the regular meeting.

APPOINTMENT OF BEACH RENOURISHMENT COORDINATOR

Mayor Pro Tem Montgomery noted the Beach Renourishment Coordinator for Kure Beach had for the past several years resigned last year. The Town advertised for a replacement and received three applications: Mr. Tom Barber who lives in Kure Beach and is a current member of the Shoreline Access Committee, Mr. Tom Russell who lives in Kure Beach and is a former employee and has worked as a CAMA coordinator and Mr. Todd Piper who lives in Carolina Beach and is a graduate of UNCW with a degree in environmental science and has great interest in doing this part time in addition to his own business.

Mayor Pro Tem Montgomery noted we needed to act on this tonight since we need to get the budget in place and coordinate with State and Corp of Engineers and New Hanover County. They have met with Mr. Glen Macintosh and they need to get things worked out now so this can begin November 1 for the project to begin and be completed in a timely manner.

Mayor Pro Tem Montgomery noted that only one had responded with the requested contract amount and that was Mr. Barber who had requested \$30.00 an hour. The other two did not give any indication of there rate.

Mayor Fuller noted that none of the applicants were here tonight. Mr. Barber and his wife had to be away due to the passing of Mrs. Barber's mother.

Commissioner Lambeth Moved, Seconded by Mayor Pro Tem Montgomery to award contract with Mr. Tom Barber. Upon vote, the motion carried by a vote of three to one.

Voting yes: Mayor Pro Tem Dugan, Commissioner Lambeth, Commissioner Ufferman

Voting no: Commissioner Dugan

STORM WATER FEE

Commissioner Ufferman asked to table this until May noting he did not get the requested information from the Inspection Department.

NEW BUSINESS

Request from KB First Baptist Church to Hold a Summer Beach Ministry

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Chief Cooper explained the Kure Beach First Baptist Church would like to hold a summer ministry on the beach and is asking to use the Town's electrical power for lights and speakers.

Comments received from citizens and replies:

Ms. Roda Garry asked how often and remarked it was an odd mix for Town to be doing for one church. This is a sticky relationship for the Town. Chief Cooper replied every night through the summer.

Mr. Bo Goodman asked if other property was available. It was mentioned that there is Joe Eakes Park, the Community Center and the Town Corral.

Mr. Gilbert Alphin asked could a generator be used.

Mr. Gabby Kraus wanted to know why we were so worried. They have ever right to be out there.

Mrs. Frances Regan asked is the problem that they want power. She noted this is a draw for visitors and that they used to do this on the corner but that was taken away a couple of years and last year they went to Carolina Beach.

Mayor Fuller noted the Town does not own the beach.

Attorney Canoutas stated we can't stop them from using the beach. He also noted that he was born and raised here and in his life time he has never seen a turtle in that area of the beach.

There was concern over the sea turtles and Council wanted to make sure that Jody with Pleasure Island Sea Turtle Project was informed.

One condition that was put out was that the lights would have to be out by 8:30 pr 9:00 p.m.

Chief Cooper asked if he could report that no action by Council was required to be on the beach at night.

Motion by Mayor Fuller, Seconded by Commissioner Ufferman to authorize any civic nonprofit group that is holding activities on the beach as long as they can comply with our nuisance ordinances and all the ordinances of the Town to use power in exchange for a reasonable payment. Upon vote, the Motion passed unanimously.

REPORT ON THE TOWN FINANCIAL AUDIT

Commissioner Ufferman announced that the Council had received their copy of the Audit Report and they did an excellent job. Next month Mr. Greg Adams with Thompson,

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Price, Scott and Adams, C. P. A. will be here at the meeting and he will answer any questions. He noted that exhibit 5 and 6 of the audit report shows at June 30, 2005 we had 1.5 million in the General Fund Balance and 2.5 million in the Water Fund Balance.

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CREATION OF THE CITIZENS BEACH PROTECTION COMMITTEE

Mayor Pro Tem Montgomery noted that one of the things required in the contract was that we should have a beach committee for oversight and we should have been doing this all along. He read aloud some of the things that were outlined that the committee should cover: Public policy, coordination, public access, public use of the beach, prevention of trespass, protection of the dunes and berms, periodic inspection of the beach construction, semiannual reports to the United States Army Corp of Engineers, these reports have not been rendered recently, the goal is to promote healthy beaches, they should be interested in the environmental aspect of it, the wildlife, the birds, the turtles and direct response and be part of this. This is not a nice to have this is the agreement with the Corp of Engineers if we want to continue to maintain our beach renourishment contract.

Mayor Pro Tem Montgomery Moved, Seconded by Commissioner Ufferman that effective immediately the Town of Kure Beach establish a Beach Protection Committee and that we publicly advertise for membership on that committee. Upon vote, the Motion passed unanimously.

**SCHEDULE WORK SESSION - DEPT. HEAD EVALUATIONS & MERIT PAY
Commissioner Ufferman Moved, Seconded by Commissioner Lambeth to schedule a Work Session for Department Head evaluations for May 9, 2006 at 6:30 p.m. Upon vote, the Motion passed unanimously.**

SCHEDULE A WORK SESSION & PUBLIC HEARING ON ATLANTIC AVE.
Commissioner Ufferman withdrew this request.

BLDG. INSPECTOR'S RESIGNATION & PROCEDURE TO FILL POSITION
Mayor Fuller noted that Mr. Ivey had given his resignation effective immediately. Council is faced with the tasked of provide inspections on a interim basis and replacing the inspector on a permanent basis.

Attorney Canoutas said his understanding from what he told him that he was giving a thirty day notice.

Mayor Fuller said then Council needs to decide if that's our plan to let him continue to work until May 19 or what are our options.

Commissioner Lambeth noted that he had talked with Carolina Beach's Inspector and he can help us out in the event that Dixon left early on a per cost basis but has not received that information back. Commissioner Lambeth stated Mr. Batson can do most all the inspections that are needed in the town and with the exception of maybe two or three a month and with Carolina Beach's help they can get that covered. Commissioner Lambeth noted Dixon has done a good job for the town and we will hate to see him go

but, he has a financial package that we can not beat and a young family and this opportunity may not come again.

Commissioner Dugan noted that Mr. Ivey stated in his letter he would be willing to work through May 19.

Commissioner Lambeth said he felt comfortable with John. That the contractor's he has spoken with say John is tougher on them than Dixon is.

Mayor Pro Tem Montgomery noted Dixon was not here and the way he read the letter was that this was a thirty day notice and the official date was May 19.

Mayor Fuller said the letter read my notice is effective today April 18, 2006 I will be willing to work through May 19.

Commissioner Lambeth Moved, Seconded by Commissioner Ufferman to accept Mr. Ivey's resignation effective immediately. Upon vote, the motion passed by a vote of three to one.

Voting yes: Commissioners Lambeth, Ufferman, Dugan

Voting no: Mayor Pro Tem Montgomery.

Commissioner Lambeth noted that Mr. Ivey was not leaving because he was mad at the Town and he said he would volunteer to help John with Planning and Zoning and put in his time for backup that John may need.

Commissioner Ufferman Moved, Seconded by Mayor Pro Tem Montgomery to advertise for a replacement. Upon vote, the Motion passed unanimously.

WORK SESSION FOR COMMITTEES

Commissioner Dugan noted that we have a lot of committees doing a terrific amount of work and a lot of the areas they are in charge of overlap in to other areas. Rather than have friction that doesn't show up until the Council Meeting we need to meet and smooth out the problems.

Motion by Commissioner Dugan, Seconded by Commissioner Lambeth to schedule a Work Session on Wednesday, May 3, 2006 at 6:30 p.m. at the Town Council Chambers with the Council and Committees. Upon vote, the Motion passed unanimously.

PERSONS TO ADDRESS COUNCIL

None.

COUNCIL ITEMS

Commissioner Ufferman, None.

Commissioner Dugan, None.

Commissioner Lambeth, None.

Mayor Pro Tem Montgomery announced that one of the largest items of expenditures for the Town last year was spent for fuel totally forty thousand dollars. He noted the way fuel prices are going now it's difficult to budget. He said we are looking at how we can make the best utilization of the public's money. Mayor Pro Tem Montgomery has contacted Worsley our current fuel contract and W. K. Hobbs and try to minimize the cost. Kure Beach is exempt from sales tax and most major fleet plans will not bill us for that tax. Mayor Pro Tem Montgomery noted he should have more information for our May meeting and this requires coordination with the departments.

Attorney Canoutas, None.

Mayor Fuller thanked everyone for the work they did in helping out with the celebration for Frankie's retirement last night. He thanked Sonny and the Public Works Department and Dennis and the Police for their help.

ADJOURNMENT

Motion by Commissioner Dugan, Seconded by Commissioner Lambeth to adjourn the meeting. Upon vote, the motion carried unanimously.

Meeting Adjourned.

Respectfully submitted,
Susan G. Suggs, CMC
Interim Town Clerk

