

KURE BEACH TOWN COUNCIL

REGULAR MEETING

August 15, 2006

MINUTES

The regular meeting of the Town Council of the Town of Kure Beach was held at Town Hall at 7:30 pm on August 15, 2006. A quorum was present.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

| | |
|---------------------|---------------------|
| Building Inspection | John Batson |
| Finance | Susan Suggs |
| Fire Chief | Harold Heglar |
| Police | Chief Dennis Cooper |
| Public Works | Sonny Beeker |
| Town Clerk | Nancy Avery |

STAFF ABSENT:

None

Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:30 p.m. Commissioner Ufferman delivered the invocation. Mayor Fuller led the pledge of allegiance.

RECOGNITION AND AWARDS

Mayor Fuller administered the Oath of Office to Anne Brodsky and Charles Allo as members of the Board of Adjustment.

PERSONS TO ADDRESS COUNCIL:

1) Sean McElhone, Superintendent Fort Fisher State Park, introduced himself stating he moved to the area from Fayetteville, NC and has six years experience. Mr. McElhone stated that Fort Fisher State Park encompasses 300 acres, five miles of oceanfront and is one of the most heavily visited state parks in North Carolina.

2) Paula Withrow stated planning has begun for the 60th Anniversary of the town and events will begin March 31, 2006 with a talent show, parade, and a beach essay contest for children. Ms. Withrow read the list of committee members as follows: Lori Eccleston, Mararuth Capell, Annie Doran, Louise Newton, Chuck Keener, Pat Blasko, Mike Blasko, Phyllis Mojzis, Don Mojzis, Jerry Smith, Pat Smith, Sondra Nelder, Pat Slachetka, Ken Withrow, Diane Heglar. Ms. Withrow stated the committee plans to sell t-shirts at the Seafood Jazz Festival to raise funds.

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APPROVAL OF CONSENT AGENDA

ACTION - Commissioner Lambeth MADE THE MOTION to accept the consent agenda. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

ACTION – Commissioner Dugan MADE THE MOTION to adopt the agenda with the following changes:

- 1) add to new business “schedule work session before council meeting on 10/10/06 at 6 pm for Beautification committee re Atlantic Avenue (Ufferman)
- 2) add to new business “amend guidelines for Committee” (Lambeth)
- 3) add to committee reports “lifeguards” (Dugan)

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

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

Building Inspection Department:

- 1) Landscape permit fee

Inspector Batson stated that the ordinance requires a permit when landscaping in the Right of Way, but a fee has never been determined and he would like to set the fee at \$25.00.

ACTION – Commissioner Lambeth MADE THE MOTION to incorporate a \$25.00 landscaping fee for a permit regarding the Right of Way. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Finance Department

- 1) Finance Officer Suggs requested council determine the disbursement amounts for funding requests for the budgeted amount of \$4,000.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to use last year’s allocation with an additional \$350.00 to Island of Lights to cover additional cost of New Years Eve event. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Disbursement is as follows:

| | |
|-------------------------------------|-----------|
| PI Chamber of Commerce | \$ 750.00 |
| Island of Lights | 1,100.00 |
| Supplies for kids | 250.00 |
| Federal Point Historic Preservation | 750.00 |
| Federal Point Help Center | 500.00 |
| Gurney Hood Barking Lot | 500.00 |

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|--------------|------------|
| NC Aquariums | 150.00 |
| TOTAL | \$4,000.00 |

2) Finance Officer Suggs asked council to approve the financing loan agreement with BB&T for the purchase of four generators.

Public Works Director Sonny Beeker stated the generators are to be used during storms to allow the wells to maintain pressure and keep the lift stations running.

ACTION – Commissioner Ufferman **MADE THE MOTION** to adopt the resolution (R06-01) approving finance terms with BB&T bank. Commissioner Dugan seconded the motion.

THE VOTE OF APPROVAL WAS UNANIMOUS

Said resolution R06-01 is herein included as part of these minutes as attachment A.

3) Finance Officer Suggs requested council approval to enter into an agreement with BB&T bank to provide direct deposit of payroll to employees at a cost of \$800.00 per year with \$400.00 charged to the Water and Sewer fund and \$400.00 charged to the General Fund.

ACTION – Commissioner Ufferman **MADE THE MOTION** to enter into an agreement with BB&T to provide direct deposit to employees. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

4) Commissioner Ufferman **MADE THE MOTION** to approve the amended list of salary grades and ranges to reflect the 3.3% cost of living raise approved with the 2006-2007 budget and to bring the town clerk's salary into line with the pay scale with an increase of 10% to \$41,800.00. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**. Said amended list is herein incorporated as part of these minutes as attachment B.

Fire Department

Chief Heglar requested council declare the 1975 Ford Fire Truck as surplus and donate to the Hope Town Volunteer Fire and Rescue Team located in the Bahamas.

ACTION – Commissioner Dugan **MADE THE MOTION** to adopt resolution (R06-02) authorizing the Fire Chief to make arrangements to donate the fire truck. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS** Said resolution (R06-02) is herein incorporated as part of these minutes as attachment C.

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Police Department:

Chief Cooper stated:

- he and Fire Chief Heglar attended a Live Wire demonstration
- a motorcycle fund raiser is scheduled for Thursday, August 17 from 5 – 10pm at Big Daddy's restaurant
- a fishing tournament for children of fallen soldiers will be held Saturday, August 19 and the side of North side of K Avenue (near Bud and Joe's) will be closed to traffic

Public Works Department:

Director Beeker stated:

- the sewer rehabilitation project, including resurfacing, is estimated to be complete in 45 – 60 days
- the water tower site has been surveyed and the driving of pilings will start next week

Town Clerk:

No items

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

- 1) ADA Committee: no report
- 2) Beautification: no report
- 3) Citizens Beach Protection (Re-nourishment): Chair Tom Barber stated:
 - member Christine Blish-Bell is overseeing a photo album required by the Corp of Engineers
 - the committee is considering banning beach vitex and will have an article in the town's August newsletter, is planning a "dunes day" in the spring for planting on the beach, and considering creating a "beach etiquette" plaque
 - six turtle nests are ready to hatch
 - he has taken 63 pictures as part of measuring the beach
 - re-nourishment has been approved for the area south of Davis road to include Water Oak Circle, Coquina Rock and Ocean Dunes.-estimated cost of \$3.15 million – maps are available in Town Hall
- 4) Community Center: Chair Frances Regan stated two events are coming up:
 - BBQ on Saturday, 9/2/06 from 4-8pm - \$5.00 (annual fund raiser)

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- Community Spirit recognition banquet on Friday, March 30, 2007 – make recommendation of anyone doing extra work for the town. Awards to be given for youth and life time.
- 5) Emergency Management: Chair David Heglar:
- applauded the council and Public Works for getting the generators
 - said the Hurricane Awareness brochure on the town's website is being updated
 - requested meeting of the EOC on Wednesday, 8/23 at 6:30 pm to review training requirements – all participating in EOC must take FEMA mandated NIMS training by October 1, 2006
 - stated he will be out of town from September 8 – 20, 2006 and Commissioner Dugan is next in charge
- 6) Park Bond Referendum: Commissioner Ufferman stated the first meeting will be held August 29th at 10am at Town Hall
- 7) Shoreline Access and Parking: no report
- 8) Storm water management: Mayor Pro Tem Montgomery said:
- the committee has five members
 - first meeting to be held August 8th
 - future meetings will be 2nd Tuesdays at 5 pm at Town Hall
- 9) KB Marketing Advisory: no report
- 10) Website Administrator: no report
- 11) Lifeguards – Commissioner Dugan stated:
- Kure Beach and Carolina Beach lifeguards attended a regional competition and came in fourth out of twelve teams
 - This was the first time competing and plan to do again next summer
 - Area businesses donated the money for the lifeguards to attend

Mayor Fuller called a ten minute recess at 8:45 pm.

Mayor Fuller resumed the council meeting at 8:55 pm.

OLD BUSINESS:

1) Hold harmless – Kure Beach Associates (JC Hearne)

Mayor Fuller explained that:

- land was donated to the town in 1994, however the deed was never recorded **need to id the land**
- council discovered this after a decision was made to fill in a detention pond on the land
- Mr. JC Hearne of Kure Beach Associates would not re-deed the land unless the town signed a hold harmless release from the possible consequences (storm water) of filling in the pond
- Council directed Town Attorney Canoutas to write a hold harmless agreement

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- Town wants to keep the property as open space

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to approve a hold harmless agreement with JC Hearne (Kure Beach Associates) re-conveying the deed to the detention pond area to the town. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said hold harmless agreement is herein incorporated as part of these minutes as attachment D.

2) Land Use Plan (LUP)

Commissioner Lambeth stated:

- it is crunch time to get the Land Use Plan approved
- the subcommittee, comprised of Mayor Fuller, Planning and Zoning vice chair Ken Buchert and Commissioner Lambeth reviewed CAMA required changes with Council of Government to produce a revised draft plan
- Town Council needs to vote tonight to schedule a special meeting for Wednesday, September 27 at 7:30pm for the purpose of a public hearing, discussion and vote on adoption of the revised Land Use Plan

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to schedule a public hearing for September 27th at 7 pm and a special meeting on September 27, 2006 at 7:30 pm and to authorize the clerk to begin advertising on August 28, 2006 upon the receipt of the draft Land Use Plan. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

NEW BUSINESS:

1) Reschedule October meeting (October 17) due to conflict with NCLM Convention and Clerk Certification School.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to schedule the October meeting for the 24th. The motion died for lack of a second.

ACTION – Commissioner Ufferman **MADE THE MOTION** to schedule the October meeting for the 10th. Commissioner Lambeth seconded the motion. **THE MOTION CARRIED** with Commissioners Lambeth, Dugan, Ufferman and Mayor Fuller in favor and Mayor Pro Tem Montgomery against.

2) Work session – Beautification Committee

ACTION – Commissioner Ufferman **MADE THE MOTION** to schedule a work session before the re-scheduled October council meeting on October 10, 2006 at 6 pm for the purpose of meeting with the Beautification Committee on the Atlantic Avenue project. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

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3) Participation in NC DOT Fall 2006 Litter Sweep September 16 – 30

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION participate in the Governor’s Litter Sweep program with Commissioner Dugan coordinating.

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

4) Participation in NC Aquarium Annual Trick or Treat Under the Sea

After discussion among the council members, the consensus of council was not to have a booth at the aquarium Trick or Treat night or make a donation because it was agreed on earlier in the meeting to donate \$150.00.

5) Staff recommended text amendments to Code of Ordinances to Section 2 Duties of Town Attorney and Section 17 Utilities

a) Amendment to Section 2 -Duties of Town Attorney – Town Attorney Canoutas recommended not adding anything to the ordinance stating he was to act as legal council for the Board of Adjustment– that a letter to him would suffice.

ACTION – Commissioner Ufferman MADE THE MOTION authorizing the Town Clerk to send a letter to the Town Attorney stating he is to act as legal council to both the Board of Adjustment and the Planning and Zoning Commission. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Consensus of the council was that no amendment to the ordinance was needed

b) Amendment to Section 17 -42a deleting **“and no application for water or sewer service shall be received from any such tenant or occupant unless the owner of the property has appointed in writing said tenant or occupant his duly authorized agent to make said application for him and on his behalf”**

Commissioner Dugan explained:

- the purpose of this amendment is to keep the town out of the middle of the property owner and renter for water/sewer billing
- reinforces the fact the owner of the property is the person considered legally responsible for payment
- this wording conflicts with other sections on billing and causes ambiguity

ACTION – Commissioner Dugan MADE THE MOTION to accept the amendment as presented. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said amendment is herein incorporated as part of these minutes as attachment E.

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6) 60th Anniversary Committee Preliminary Plan and Budget

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to:

- approve a budget for the 60th Anniversary Committee of \$20,000 in expenses and \$20,000 in revenue
- authorize Finance Officer to establish an account within the budget to account for these funds
- accept the 60th Anniversary committee as an ad hoc committee with members as referenced by Chair Paula Withrow earlier in the meeting
- ensure committee understands actual allocations and monitoring of funds to be based on legal advise

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

7) Vacation Rental Commercial Garbage Pick-up

Mayor Pro Tem Montgomery recommended modifying the existing commercial garbage pick-up program to add a Vacation Rental garbage pick-up program that:

- provides for Saturday and Sunday pick-ups on a subscription basis
- program is available only to vacation rentals managed by professional management companies
- costs \$50.00 per container per month with fees billed to the management company
- requires a minimum two-month subscription with services available from May 1 – September 30th each year
- begins August 19th, 2006
- for time period of August 19th – September 30th, 2006, cost will be prorated at \$60 per container
- program will not remove or override any of the current ordinance requirements dealing with excess garbage or the “roll-out recovery” of containers
- proposal also does not change anything in Section 7 (Garbage and Trash) of the Code of Ordinances, so no amendment is required
- purpose is to address the on-going problem of excess garbage bags and cans left on street

Discussion among council members and audience centered on whether enforcement of existing ordinances would be a better route, and whether the program should be only for vacation rentals managed by professional management companies which excludes those owned and managed by individuals.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the proposal as presented above with two changes:

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- delete “program is available only to Vacation Rentals managed by professional management/realty companies” (2nd bullet point)
- add “or property owner” at end of “costs \$50.00 per container per month with fees billed to the management company” (3rd bullet point above)

Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said Vacation Rental Commercial Garbage Pick-up program is herein incorporated as part of these minutes as Attachment F.

8) Adoption of job descriptions for Town Clerk, Finance Officer, Customer Service/Administrative Support, and Accounting Clerk/Technician

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to:

- accept all the job descriptions as submitted with the addition of two items to the Training and Experience section of the Customer Service/Administrative Support description: a) High School Diploma or GED required
b) College preferred/recommended
- allow salary shared between administration at \$20,000 and Building Inspection at \$5,000 as outlined in clerk’s memo for the Customer Service/Administrative Support position
- leave the salary range for the Accounting Clerk/Technician position as a 10 until a salary review is conducted

Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said job descriptions are herein incorporated as part of these minutes as attachments G – J.

9) Amend General Policy and Procedures for Committees

Mayor Pro Tem Montgomery recommended adding the following to the General Policy and Procedures for Committees: “no person may be appointed, serve or in any way be associated with any committee, board or any other Town sponsored activity or organization if that person has unpaid financial obligations to the Town. Such obligations include past due taxes, water and sewer and related fees more than 60 days in arrears and any unpaid citations issued by any agency of the Town. This policy applies to appointments to ad hoc committees. A person becomes eligible to serve once the Town Finance officer or Town Clerk certify that all financial obligations to the Town of Kure Beach have been satisfied.”

Mayor Pro Tem Montgomery explained that the town is entrusting committees with more and more responsibility.

Discussion included not applying these conditions if the person is contesting the fact that the town shows them in arrears, whether indebtedness on a water bill is public record or not and how staff will track this information.

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ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to amend the General Policy and Procedures for Committees by adding the following: “no person may be appointed, serve or in any way be associated with any committee, board or any other Town sponsored activity or organization if that person has unpaid financial obligations to the Town. Such obligations include past due taxes, water and sewer and related fees more than 60 days in arrears and any unpaid citations issued by any agency of the Town, unless such obligations are under contestation. This policy applies to appointments to ad hoc committees. A person becomes eligible to serve once the Town Finance officer or Town Clerk certify that all financial obligations to the Town of Kure Beach have been satisfied.”

Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said amended policy is herein incorporated as part of these minutes as attachment K.

PERSONS TO ADDRESS COUNCIL:

1) Peter Russo, 830 N. Fort Fisher Blvd, stated he:

- commends the mayor and Tom Barber for obtaining re-nourishment funding
- is disappointed in the scope
- questions if council contested the Corp of Engineers’ decision
- feels council needs to fight harder to represent all residents

Mayor Fuller responded that:

- Mr. Barber put pressure on the Corp to get plans early
- Mr. Barber obtained 20 GPS readings to gather data to show the Corp the need for more re-nourishment
- the Corp uses formulas to calculate need for re-nourishment based on how much sand has been lost
- there is a small window to assess data and work with the Corp
- the plan is to discuss and challenge the Corps’ assumptions
- re-nourishment is not limited to every three years – if hurricane occurs between re-nourishment, town is entitled to have sand put back – FEMA will reimburse for lost sand

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COMMISSIONERS' ITEMS:

1) Impact fees for swimming pools

Commissioner Lambeth recommended council adopt impact fees for installation of swimming pools to cover the cost of final inspections, backwash and filtration systems.

ACTION - Commissioner Lambeth MADE THE MOTION to adopt a \$300.00 impact fee for a residential swimming pool in all districts and a \$2,000 impact fee for commercial swimming pools in all districts. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2) Commissioner Lambeth stated he and the Building Inspector Batson attended a workshop on floodplans and municipalities are being required to make updates to Planning and Zoning and Building Inspection concerning designated as being in a flood plain, building site plans need to specify flood plan designation, and break away wall designation needs to be done.

ATTORNEY'S ITEMS:

None

MAYOR'S ITEMS:

None

CLOSED SESSION –consultation with attorney

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to go into closed session for consultation with attorney at 10:50 pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to return to open session at 12:10am. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Fuller stated that there were no decisions made in closed session, that pending legal matters were discussed and guidance was received from the town attorney.

ADJOURNMENT

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

Tim Fuller, Mayor

ATTEST: _____
Nancy Avery, Town Clerk

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