

**KURE BEACH TOWN COUNCIL**

**REGULAR MEETING**

**FEBRUARY 15, 2005**

**CALL TO ORDER AND WELCOME**

Mayor Medlin called the regular monthly meeting of the Kure Beach Town Council to order welcoming everyone to the meeting. Present were Mayor Pro Tem Dugan, Comm. Ufferman, Comm. Fuller, Police Chief Cooper, Building Inspector Dixon Ivey and Assistant Fire Chief Tom Cannon. Comm. LeQuire and Public Works Director Beeker were absent due to illness and Chief Heglar was out of town. Attorney Canoutas was out of town.

**INVOCATION**

Invocation given by Mayor Medlin.

**PLEDGE OF ALLEGIANCE:**

Following the invocation, Mayor Medlin requested that all rise for the Pledge of Allegiance to the Flag.

**PERSONS TO ADDRESS COUNCIL:**

**Representative of New Hanover Human Relations Commission**

Mayor Medlin introduced representatives of the Commission, Rev. Paul Christ, Mr. Fred Johnson, Ms. Linda Moore and Ms. Sylvia Holland.

Rev. Christ expressed appreciation to Council for giving them the opportunity to mention that February is Human Relations Month. He mentioned events that have been scheduled for the month and in particular he mentioned that at Independence Mall there is a set of displays that all of the New Hanover County Schools have on the theme that "United We Stand to Make Equality a Reality". He encouraged everyone to go to the mall and view the displays, the work of the children. Also on February 26 at the Warwick Center, the annual banquet will be held and the speaker will be Phil Kirk, Publisher of the North Carolina Business and Industry Magazine....He mentioned the awards ceremony which will be held on February 26 and everyone is invited. Rev. Christ thanked Council and the Town for their continued support.

Mayor Medlin read aloud the Proclamation proclaiming February 2005 as Human Relations Month and presented signed Proclamation to Rev. Christ. (copy attached) (audience applauded).

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

Mr. Charles Allo, Kure Beach resident, addressing Council shared just a little bit of the history of Kure Beach from the early 50's, 60's, and mid seventies, mentioning the taxes, various people who worked for the Town and or were elected officials, things that have happened over the years that have basically catapulted the Town into the position that it is in today—one of these things being the Federal Flood Insurance...in Kure Beach prior to the 70's, you very seldom saw anything but a one-level building, most had no insulation, few had closets and heating.....more concerns then about not blocking the air flow.....Then along came air-conditioning, federal flood insurance and the 201 sewer system, this allows for development.....In commenting he mentioned other areas of the country where taxes have increased to the point that people are being “chased out” and they are coming to the south.....this increases our cost. He mentioned that communities have changed and this is gone.....there are certain aspects of Kure Beach that we don't have to loose—a strong community, we have a commonality of values. Respect and concern for the individual—these things are important....we don't need to talk about northerners and southerners, old timers and new comers, new portions of the town, old portions of the town, democrats, republicans.....these things do not make a difference, we are a community if we are going to survive as a community, we have to push these things out of the way.

Ms. Emily Swearinger, representative of the New Hanover County Special Olympics, announced a special Solar Plunge to be held Saturday, March 5, 3:00 p.m., at Wrightsville Beach and invited the Mayor and Council to attend. Additional activities will be going on from 10 to 5:00 p.m. In continuing comments she mentioned that this will be the first time they have raised money for the Special Olympics. Spring games will be held April 13 at UNCW. Ms. Swearinger encouraged everyone to attend.

**ADOPTION OF THE AGENDA:**

Mayor Medlin asked if Council had any additions, deletions or changes to be made to the agenda.

Comm. Ufferman noted that he had three(3) additions:

(1) P & Z are putting together a new application fee and he would like to add a \$200,00 processing fee—this item to be added under new business. He mentioned that this is to be on the March agenda.

(P & Z Committee member Charles Allo mentioned that he thought it was sent to Council for their review and for them to send comments back to P & Z).

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

(2) His second item ordinance re: penalty for violating the landscaping and vegetation preservation ordinance—add under old business—this to be part of March 1 work session (public hearing).

(3) At a previous Council Meeting, a trash can ordinance was passed—the original ordinance adopted some time ago was not inserted into the inspector’s code book—therefore the ordinance passed was already in force. He would like to rescind the motion made in December adopting the trash can ordinance.

Mayor Pro Tem Dugan requested that the item under old business—Chad Ives Proposal for Mapping, deed and easement research, etc., be rescheduled as he is unable to attend. Also request that if Council has questions relative to the proposal—that questions/concerns be given to Frankie and she will get them to Mr. Ives.

Also he requested adding Stormwater Outfalls to the agenda under old business.

Also he would like to delete sewer rehab funding from the agenda.

There being no additional changes, **motion was made by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to adopt the agenda with changes as noted. Motion approved.**

**APPROVAL OF MINUTES:**

Work Session—January 6, 2005 Beach Access (830 Fort Fisher Blvd. N.)  
Regular Meeting—January 18, 2005

**Motion by Comm. Fuller, seconded by Comm. Ufferman to approve the minutes as submitted. Motion approved.**

**APPROVAL OF THE FOLLOWING MONTHLY REPORTS**

Police Report—Month of January 2005  
Fire Department Report—month of January 2005  
Building Inspector’s Report—month of January 2005  
P & Z Commission Draft Minutes—Feb. 1, 2005  
Board of Adjustment—Regular Annual Meeting—January 25, 2005

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to approve the reports/minutes as submitted. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

**Committee Reports:**

**Shoreline Access and Parking Committee Report**

Mr. Mac Montgomery, Chairman of the Committee, referring to the minutes submitted to Council briefly reviewed highlights:

2003/04 grant for beach access improvements at L and N Avenues is progressing—parking at N Avenue looks good and should make a big difference. Handicap accessible crossover at L Avenue will be completed by the end of February. 2005 project E Avenue handicap crossover pilings have been set—please review areas and contact (Mac) if you have questions/concerns should be completed by the end of March.

Additional items in the report, Council requested the committee to look at the beach crossover in Hanby Beach—vicinity of Myrtle Avenue. A committee member inspected the walkover, minor things need to be done—signage, paint, things that can be done—a list will be prepared and with Council's concurrence, he will get with Public Works Director and have them do necessary items, trash cans are in place, bicycle rack, etc.

He mentioned that at the request of some citizens they (Committee) were asked to look into the possibility of installing a crossover at an easement owned by DOT at approximately 948/950 Fort Fisher Blvd. South—near President Davis Avenue. He has contacted DOT, talked with them and they seem willing to accept the proposal—but they want more details. These will be compiled and if they approve, it can then be decided whether to apply for a grant or go ahead and pay for it.....this would be a pedestrian only crossover.

At the March meeting, the committee will be looking at the idea of flexible boardwalks, these are used at Ocean Isle and several other beach communities. You roll it out on top of the sand and it can be picked up and moved wherever needed—it has been approved by CAMA—the manufacture rep will be attending our March 8 committee meeting and give a presentation. He invited those interested that this type board walk can be used for pedestrian and vehicular requires no pilings—can be anchored....this is significantly cheaper and can be anchored in place with anchors under the sand. He noted that committee member Fred Tesh is reviewing the situation.

Mr. Montgomery mentioned that he and the Mayor had several meetings last week in regards to the beach crossovers—met with representative of the U. S Army Corp of Engineers re: crossovers. We had to make modifications due to beach renourishment program building line—CAMA had previously approved but coordination is also needed

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

with COE.....He (Mac) and Mayor and contractor met with Coastal Management representative, reviewed the work done and complimented the Town of the work done—for information, we the Town is not only meeting the needs but are for exceeding what many other communities are doing improving access to the beach.....

Mayor Medlin reiterated the comments made by Chairman Montgomery relative to proceeding access to the beach.....

Mr. Montgomery mentioned the one difference between Kure Beach and the other beaches within the County is that Council by choice over the last two years has decided not to spend public money in the acquisition of land simply to build parking lots.....

#### Community Center Committee

Mr. Ron Griffin noting that the chairman and co-chairman are out of state reported that the Valentine Dance was well attended, everyone enjoyed themselves—the final dance of the season will be held April 23 at the Community Center. In regards to the Community Spirit Award, information will be included in the newsletter, also available at the Town Hall and from any of the committee members and need to be submitted by March 18 for evaluation. Banquet is scheduled for April 9.

Also in regards to the Community Center rentals, a new rental by a group conducting yoga and pilate classes on Monday and Wednesday evenings from 7 to 8 p.m.—walk ins are welcome—he hopes this program continues.

#### Web-Page Update

Mr. Griffin, Web-site Administrator, referred Council to his report submitted and noted he had nothing to add.

#### Beautification Committee

Comm. Ufferman mentioned that this committee will be meeting February 21.

#### ADA Committee

Clerk noted that Gilbert Alphin, ADA Committee Chairman, called today and requested that Council be advised that he and the new member appointed by Council at the January 26 Continued Meeting have met and are doing some research and plan to present a project and request funding at next month's meeting.

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

**DEPARTMENT HEADS:**

Town Clerk—Frankie Jones—no items.

Public Works Director Beeker—unable to attend due to illness per Mayor Pro Tem Dugan.

Building Inspector Dixon Ivey—no items.

Police Chief Cooper submitted and briefly reviewed with Council the New Hanover County Public Safety Communications Center memo regarding that the County Commissioners did decide to hire a consultant to review the 800 MHZ issues. In that process, all users were surveyed and the issues at hand discussed. He referred to page 2 of the handout noting that he felt the consultants were heading toward going with an all digital system. All Kure Beach radios are presently analog—if we go to the all digital system then we are looking at an impact on our next year's budget.....he just wanted to give Council a heads up on this item. Also the deadline for a report to the County Commissioners is the 21<sup>st</sup> and on the 28<sup>th</sup> the final decision for design recommendation will be made. He has not seen the final report recommendation to date but will advise Council as to the exact dates and times of meetings.

Mayor Pro Tem Dugan asked how many of the users in the County are analog versus digital.

Chief Cooper noted that most mobile radios in the vehicles are probably analog, probably 60% and probably 40% of the portables are digital.

Mayor Medlin asked if there is a chance they will go with the mixed mode system.

Chief Cooper noted that information he submitted was from the Communication Center Policy Board Members.....

Chief Cooper also mentioned for the audience that on Tuesday, March 1 at 7:00 p.m., Kure Beach Police Department will be holding an adult drug program at the First Baptist Church.....program designed for adults.....very educational....will probably last a couple of hours....Chief Cooper, Det. Everhart and Officer Dan Soggie will be involved in the program—again reiterating that the program is for adults only.

Assistant Fire Chief Tom Cannon—No report.

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

**OLD BUSINESS:**

Committee Appointments:

Community Center Committee (1vacancy—1 alternate) 1 application received Ms. Patricia Slachetka.

Beautification Committee (2 vacancies) 1 application received—Mr. Bo Goodman

ADA Committee (1 vacancy—no applications received.

Shoreline Access & Parking Committee (1 vacancy) 1 application received—Mr. Bo Goodman.

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to appoint persons to the committees as mentioned. Motion approved.**

Award Bid for Cleaning/Mowing Lot

Building Inspector noted that Code Officer had submitted a request to accept sealed bids to contract the mowing and clearing of property located at 506 Fourth Ave. S.....several violation letters have been sent out and the process takes anywhere from a month to 60 days for final approval to accept or reject bids.

Clerk noted that approval must come from Council at this time as no funds were budgeted for lot cleaning/mowing.

Comm. Fuller asked if it could be set up not to exceed a certain amount and Council can then authorize it.....

Following additional comments, Building Inspector Dixon Ivey noted that notification to the property owner is given only one time a year.....only bid submitted will be the one time cleaning.

**Motion by Comm. Ufferman and seconded by Comm. Fuller to approve the expenditure of \$250.00 for one time cleaning from General Fund Reserve and award the contract to bidder submitting same. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

Recess

Mayor Medlin requested a 5 minute recess.

Following the recess, Mayor Medlin recalled the meeting back into session.

Penalties for Violation of Landscaping and Vegetation Preservation

Comm. Ufferman noted that a Public Hearing will be held March 1 at 5:30 p.m. and this is one of the items to be heard. He read aloud Section 7.5-20.1 Penalty for Violation

Rescind Ordinance re: trash bins

Comm. Ufferman referred Council to the ordinance passed in December relative to trash containers. The ordinance was already in effect—therefore motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to rescind the ordinance passed in December regarding garbage pickup/containers, etc. Motion approved.

Stormwater Outfalls

Mayor Pro Tem Dugan noted that in the last couple of years there has been on-going discussions and plans from engineers on what should be done with the stormwater outfalls....a committee has been formed of most of the state agencies involved; Clean Water, and Shellfish, DOT, CAMA, any state agency with concerns about stormwater coming from the roads into the ocean. He mentioned that a grant has been received from NCDOT Environmental Division.....grant in the amount of \$130,000.00 for NCSU Engineering Department to build in our dune line (where two of the sixteen outfalls are located) a pilot project similar to a catch basin built underneath the dune line with lateral piping going off to the sides underneath the dune lines. The water run-off would go into the catch basin and filter out through the sand instead of directly into the ocean. This will be studied to see if it is a viable alternative to other methods....If it is successful, it has the potential to be used nationally. He mentioned that Mayor Medlin has additional communication.

Mayor Medlin read aloud the letter to send to Mr. Matthew Laufer, DOT Hydraulics Division. (copy attached).

Mayor Pro Tem Dugan noted that the project has been discussed with the Public Works Director and the amount of maintenance required will be no more than the standard catch basin.....it was noted that COE has been in the meetings and is aware of the project.

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

In discussion, Mayor Pro Tem Dugan noted in reference to comments relative to heavy rains, accommodation will be made to handle this situation and also mentioned that all agencies must sign off on project.

**NEW BUSINESS:**

Board of Adjustment Re-Appointments

Mayor Medlin referred Council to the memo from the Board of Adjustment to reappoint Ms. Betty Swann and Mr. Norm Collins to serve another term as members on the Board of Adjustment.

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Fuller to reappoint Ms. Betty Swann and Mr. Norm Collins as members of the Board of Adjustment. Motion approved.**

Planning & Zoning Memo re: Kure Beach Villas—202 Fort Fisher Blvd. N.

Mayor Medlin referred Council to the documentation sent forward on the project and noted that per memo all corrections have been accounted for on the new submittal.....also sign-off sheet in included.

Mayor Pro Tem Dugan asked if this is normal course of events....if approved....next one will be final.

Planning & Zoning member Charles Allo mentioned that this is the proper process to be followed....

**Motion by Comm. Ufferman and seconded by Comm. Fuller to approve the sketch plans for Kure Beach Villas. Motion approved.**

Mr. Allo noted that all other plans, preliminary and final, they can have 45 days—but this has to be considered the night it comes before Council.

Request from Port Waterway and Beach Commission for funding for continued support

Mayor Medlin requested that Mr. Gary Owen, Beach Renourishment, address this item and she referred Council to the memo from Mr. Owen (copy attached).

In commenting he mentioned that the President's budget has denied funding to the COE for many things, i.e., dredging of the Carolina Beach Inlet, dredging of the Intra-coastal

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

Waterway, including Snow's Cut....Also the study will not be done on the south bay this year or next fiscal year. He mentioned that the Port Waterway and Beach Commission is made up of the three(3) beach Mayors, A County Commissioner, a City Council Member, usually the Mayor and several retired executives from the COE and businesses.....He referred Council to the letter indicating the projects that they work with. He noted the Commissioner will go up March 3 as a group.....They have requested \$1,000.00 from each Town, \$1,500.00 from the City of Wilmington and \$3,000.00 from New Hanover County.....money used to cover travel expenses for the group. He mentioned that there is enough money in the beach renourishment budget to pay the \$1,000.00 requested.

Mayor Medlin noted that they are a huge lobby force and will also be going to Washington March 2 & 3.....

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to pay the \$1,000.00 as requested from Beach Renourishment. Motion approved.**

Mr. Gabby Krause noted that it does not appear that the group is very effective since none of the projects are budgeted.

Mayor Medlin noted these projects will continue to be worked on.....

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

Resolution regarding Dredging of Shallow Draft Inlets

Mayor Medlin read aloud the Resolution as noted.

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to adopt the resolution as read. Motion approved.**

Application Form

Comm. Ufferman noted that an application form has been/will be sent to P & Z for review at their next meeting. (application pkt. to be given to P & Z secretary for inclusion in their next packet).

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

**MAYOR'S ITEMS:**

Mayor Medlin noted that each year a disabled fishing tournament is held at the Kure Beach Pier. A request has been received from the Got Em On Kure Live Bait Club who sponsors the tournament each year to approve having the U.S. Military have a “fly over” during the tournament.

Council agreed to have the “fly over”.

Mayor Medlin noting that she is on the MPO Transportation Board and David Heglar is on the Citizens Advisory Committee. David attended the CAC meeting and noted that the Long Range Transportation Plan is on file in the front office for review.

Comm. Fuller noted that quite a few Kure Beach residents attended the meeting held at the Carolina Beach Town Hall February 1.

**COMMISSIONERS' ITEMS:**

Mayor Pro Tem Dugan—no items.

Comm. Ufferman—mentioned that the newsletter will be going out soon and he noted that there is a portion of the newsletter referring to the Veterans Memorial Fund...area set aside in front of Town Hall for monument and 3 flags.....total cost approximately \$2,500.00.

Comm. Fuller mentioned that he had three(3) items:

(1) Ben Jones requested that he look into the Town insurance for retired persons. Ben is the first 30 year retiree and at some time in the past, Council approved a policy worded that the Town will pay all medical insurance costs for 30 year retirees. As it turns out, we have been paying the actual medical insurance part—but not the dental and vision part. Ben thought it was the intent of Council that the 30 year retiree have basically the same coverage as a full time employee with the Town paying for it. In Ben's case it would be about \$300.00 a year. He requested Council clarify the policy to make it cover the same as a full time employee. Comm. Fuller mentioned that it is not a big ticket item and as far as he can see there are only three additional people on the horizon that would qualify.

Mayor Pro Tem Dugan asked if there is a price difference employee versus retiree.

Clerk to check on additional coverage.

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

Mayor Pro Tem Dugan noted he does not have a problem with it.

Comm. Fuller to get back with Council at March meeting.

(2) Update on Riggings Project

Comm. Fuller noted he and the Mayor have been working with the Riggings folks—they have been interviewing architects and contractors—they are working on plans---we have a meeting with State Emergency People Thursday...the Implementation Meeting for the grant for the Riggings project.....

Mayor Pro Tem Dugan asked if 100% internal cooperation has been established.

Comm. Fuller noted that the homeowners are all on agreement on the project. But they do not have an iron clad document with everyone yet but this is in the works.

(3) Comm. Fuller noted that included in this year's budget is money for an architect to do some conceptual design work for improvements to the Town Hall, additional storage facility for the Police Department and some other things, i.e., emergency generator. As an update—the architect has submitted a sketch plan—conceptual idea that he has—idea has been discussed with Police Chief and Fire Chief and they are presently talking with folks at Cingular and Nextel as it involves the tower.....once these issues are resolved, we will have a better plan that can be circulated for review/comments as the present sketch is very tentative.....this will be a 5 or 10 year program.

Mayor Pro Tem Dugan noted it is the time of year for the fire grants and it has been suggested that we apply for a grant for an emergency generator.

Comm. Fuller mentioned that this conceptual plan has a location for an emergency generator.

Mr. Gabby Krause asked the status of the idea of investigating the advisability of a Town Administrator...is this still active.

Mayor Medlin noted we will have to get back.

It was noted that this will be brought back up.....

Kure Beach Town Council  
Regular Meeting  
February 15, 2005

**ADJOURN**

There being no additional item, **motion was made by Mayor Pro Tem Dugan and seconded by Comm. Fuller to adjourn. Motion approved.**

Meeting adjourned.

Minutes by \_\_\_\_\_  
F. Jones