

**KURE BEACH TOWN COUNCIL**

**REGULAR MEETING**

**MARCH 15, 2005**

**CALL TO ORDER**

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 and Comm. Fuller, Attorney Canoutas, Public Works Director Beeker, Building Inspector Dixon Ivey and Police Chief Dennis Cooper. Comm. LeQuire was unable to attend due to illness and Fire Chief Heglar 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.

**PERSONS TO ADDRESS COUNCIL**

**Representative of New Hanover Commission for Women**

Ms. Carol Montgomery, Kure Beach representative on the New Hanover Commission for Women introduced Ms. Margaret Hanes, Chairperson and Christian Verzall, Secretary.

Mayor Medlin read aloud the Resolution proclaiming March 2005 as Women's History Month and presented same to Ms. Montgomery. (copy attached).

Ms. Montgomery expressed appreciation to Council and in commenting noted that Kure Beach is the only beach community who has followed through and appointed someone to the commission. (audience applauded).

**Ms. Betsy Cromartie re: Soldiers' Healing Field**

Ms. Cromartie was not present.

Mr. Charles Allo—resident requested to be removed from the agenda.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Adoption of the Agenda

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

Comm. Ufferman requested that the agenda item (old business) New Application for P & Z and Proposed application fee of \$200.00 be tabled until next month as we need additional review of the application. He also requested to add ADA under old business.

**Mayor Pro Tem Dugan requested to add under new business, citizens meeting and he would also like to make a motion to excuse Comm. LeQuire from tonight's meeting. Motion seconded by Comm. Ufferman. Motion approved.**

Member of the audience asked if there is any intention tonight to discuss the 35' height limit.....

Mayor Medlin noted that this item is not on the agenda but Mayor Pro Tem Dugan has requested that the citizens meeting be scheduled and this will be considered.

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

**APPROVAL OF THE MINUTES:**

Continued Meeting of January 18, 2005 to January 26, 2005  
Special Meeting—February 7, 2005 discuss mediation and reschedule Work Session and  
Public Hearing  
Regular Meeting—February 15, 2005  
Public Hearings—March 1, 2005  
Work Session Notes—March 10, 2005

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

**APPROVAL OF THE FOLLOWING MONTHLY REPORTS:**

Police Report—Month of February 2005  
Fire Department Report—Month of February 2005  
Building Inspector's Report—Month of February 2005

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

P & Z Commission Draft Minutes—March 1, 2005  
and Continued Meeting March 8, 2005

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Fuller to accept the monthly reports as presented. Motion approved.**

### **COMMITTEE REPORTS**

Mayor Medlin mentioned that the committee reports are posted for persons wishing to review the reports.

#### Shoreline Access & Parking Committee

Chairman Mac Montgomery mentioned that grant project for L Avenue and the ADA crossover, and refurbishment of parking at N Avenue have been completed and passed CAMA inspection last week.

In regards to E Avenue, the ADA crossover is a 2005 grant and will be completed this month (March). CAMA has done a preliminary inspection and will return to do the final. He noted that the committee had been requested to look at the easement/right-of-way that the Department of Transportation has at approximately 950 Fort Fisher Blvd. S. The DOT engineers (2) met with the Shoreline Access and Parking Committee on site and they indicated that they would approve the use of that piece of land but would not approve construction of a walkway on the land because there is a 30 foot drain pipe underneath the property. We can walk on the land but cannot construct something that goes into the ground. We are on hold until we find the means to do that if it is at all possible.

Chairman Montgomery mentioned that he had reported that they had been working with the contractor to make a presentation on flexible boardwalk that would be suitable for pedestrian as well as vehicles. The contractor has not been able to meet with the committee as of yet, but plans are to meet with him for a presentation. Council will be advised of the meeting.

#### Community Center Committee

Mr. Ron Griffin, Secretary, mentioned the Community Spirit Awards Banquet to be held Saturday, April 9, at the Community Center. He noted that nominations will be accepted through this Friday (March 19)—after Friday nominations will be closed. We currently have at least 4 nominations for the various categories to be awarded. The event will be

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

catered by Seasons By The Sea Restaurant—tickets are \$15.00 each and can be purchased from any Community Center Committee or by calling the Center and someone will deliver the tickets. As a reminder—nominations will be closed at the end of the week and banquet will be held Saturday, April 9 at 7:00 p.m.

#### Web-Page Update

Web-site Administer Ron Griffin referred to his written report submitted earlier and posted for review and noted that he had nothing to add but will entertain any question.

No one had questions.

Mayor Medlin thanked Mr. Griffin for the reports.

Mr. Dixon Ivey, Building Inspector, noted for Council's information, he has been working with Mrs. Regan trying to locate a contractor to get bids to enlarge the door by adding to the height and width in order to use it for storage of larger items (i.e., chair rack).

#### Beautification Committee

Mr. John Gordon requested Council consider approval of seeking a grant from the Urban Community Forest Grant Program and allowing Mayor Medlin to sign the request. He mentioned the meeting held with himself, Melonie Doyle, Andria Walker, and Mac Montgomery relative to the grant noting that they have in the budget \$2,500.00 to purchase landscaping, etc., and they would like to request another \$2,500.00 from the grant to purchase the services of a professional horticulturalist, probably Ms. Doyle. They would also like to purchase necessary native trees to be planted in the two(2) medians, I Avenue and E Avenue. In discussion it was noted that the project plans have not been sent to the Public Works Director for review as his department will be doing the maintenance and upkeep.....

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to proceed.**

Following additional comments and discussion **motion amended by Comm. Ufferman to proceed with completing the grant application and Mayor Medlin signing same pending review and approval of the plans by Public Works Director Beeker. Amendment seconded by Mayor Pro Tem Dugan. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

ADA Committee Report

Committee Chairman Gilbert Alphin expressed appreciation to Mac (Shoreline Access & Parking committee) for continuing the work on the projects that former ADA chairman Richard Pierce worked on—which is the crossovers. Mr. Alphin referred Council to a letter he submitted to Council October 2004 relative to sidewalk driveway hills on the east side of Fort Fisher Blvd. and read aloud a portion of the letter relative to the difficulty of walking on the sidewalks and noting that repairs need to be done.

In continuing comments he referred to the present driveway/sidewalk plans presently being installed along Fort Fisher Blvd. (near the Post Office) and requested Council consider a 30-day moratorium in order to develop plans as other municipalities have done to avoid any type of violation problems....In commenting he expressed appreciation to former Comm. Bobby Theodore in his implementing the first sidewalk in the area—also noting that he was very efficient with the funds available at the time. He read aloud rulings handed down by the Federal Court as ADA falls under Federal Guidelines and in summary noted that sidewalks are for everyone and should be accessible and useable by all. He will continue to research sidewalk replacement programs and will forward information to Council.....

Comm. Ufferman noted he had added ADA to the agenda tonight because of the driveway and requested Building Inspector Dixon Ivey address same.

Building Inspector Dixon Ivey mentioned in correction to Mr. Alphin's statement relative to the driveways in question, they have not been approved. None of the buildings have been finalized and that is usually when the driveways are approved. He also noted that Gilbert called earlier in the week, he (Dixon) went by and looked at it and it was not completed at that time. He will again check on the driveway and if it does not meet the requirements set forth in the ADA for sidewalks along public streets it will not be approved.

Mayor Pro Tem Dugan noted that Gilbert is talking about a meeting held recently relative to state grants and DOT grants and trying to get contractors to bid on same. Basically the things the Town is trying to replace is what has been sent forward, but it appears more money will be spent to correct the situation. He mentioned the need to review and approve this type construction in the beginning thereby saving tax dollars down the road.

Mr. Dean Lambeth mentioned his prior submittals indicating the ADA violations along Fort Fisher Blvd.....noting a simple solution to Gilbert's problem with the first six foot width at the end of the driveways would be less than one in twenty slope.....

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Mayor Pro Tem Dugan noted we are not dealing with a sidewalk here but the driveway.....

During comments, Mayor Medlin asked Attorney Canoutas if a moratorium was needed and he responded noting that moratoriums are not a favorite thing but if the Building Inspector is making sure that there is compliance with the ADA from here on out he does not see a problem.

Mayor Medlin noted that the Inspector had mentioned that this section has not been approved as of yet.

Mr. Alphin, for clarification, noted the area he is referring to is on the concrete—not the building.....

Mayor Medlin noted that Comm. Ufferman has added this topic to the agenda under old business and this will continue to be addressed at that time.

**DEPARTMENT HEADS**—Items to present to Council

Town Clerk Frankie Jones—no items to present.

Public Works Director Sonny Beeker—no items.

Building Inspector Dixon Ivey—no items.

Police Chief Dennis Cooper mentioned that he had some surplus property (fire arms) in the Police Department and he has talked with a licensed dealer specializing in Law Enforcement equipment.....surplus property is law enforcement specific and he would request Council approve disposal of property. Money received will be applied toward purchase of additional equipment.

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to declare property mentioned as surplus property and proceed with selling of same. Motion approved.**

Fire Chief Heglar—not present.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

**OLD BUSINESS**

Chad Ives' Proposal for mapping, deed and easement research project

Mayor Medlin referred Council to the proposal submitted by Mr. Ives.

Mayor Pro Tem Dugan noted Mr. Ives was unable to attend last month's meeting and he (Mayor Pro Tem Dugan) requested Council submit questions or concerns relative to the project. He mentioned that he has not received any questions, therefore he would like to mention one, he is in favor of the project and also there are two(2) options, one for \$2,000.00 and an add on that would bring it to \$5,500.00. He had spoken with Public Works Director Sonny Beeker and he also feels if Mr. Ives comes in with a good product, it may be something he (Public Works Director) could also use in the future. Following comments, **motion by Mayor Pro Tem Dugan to accept the proposal for \$2,000.00 and look at the work produced and discuss further options at that time.**

**Motion seconded by Comm. Fuller. Motion approved.**

ADA Item added by Comm. Ufferman

Comm. Ufferman noting that he would like for Gilbert to return (to the podium) to further discuss the ADA situation as he was hoping to get the Fort Fisher Blvd. concerns met tonight.

Gilbert noted in commenting that this item is joint interaction with the town, DOT, etc. and additional discussion is needed.

Mayor Pro Tem Dugan noted in his discussions with DOT there are things that can and cannot be done—one of those being curbs, it is just a matter as to what kind..... He mentioned the ADA requirements and noted that if Building Inspector Dixon Ivey is aware of requirements and they are upheld, there is no difference in 30 days and tomorrow morning.....

During discussion and comments, Comm. Fuller mentioned that there seems to be a couple of issues—one being the ADA sidewalks and one being the driveways and how they go together. His concern is if we have something that is truly enforceable.

Building Inspector Dixon Ivey noted he would check to see if there are regulations for a driveway as far as ADA standards if there is not a sidewalk involved.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Comm. Fuller noted that is his concern as there is no sidewalk in this particular area, just driveways.....He noted the need to research the DOT standards to see if there is a standard DOT driveway that does not have the hump in the middle of it where it could slope on either side. He asked if such a detail exists, if it could be added to the building standards.....as he felt Dixon had the tool he needs for enforcement. He did not think a moratorium could be put on and we cannot “bust” these people for violating a sidewalk code as there is not a sidewalk there.

Building Inspector Dixon Ivey noted he drove by the site and although it is a right-of-way but it is not a walkway.....

Following additional comments/discussion, Building Inspector Dixon Ivey noted he will visit present sites relative to the driveway concerns and advise builder of the concerns.

Comm. Fuller suggested that the Inspector draft an ordinance that is ADA compliant and have it back to Council by the next meeting. In the meantime, enforce it as best as he can under existing codes and ordinances.

#### Public Hearing Item

Mayor Medlin noted that each public hearing item will be taken one at a time and voted on the same.

#### Kure Beach Zoning Ordinance Section 19-323 Lot of Record

Mayor Medlin read aloud the present ordinance and the proposed amendment.(copy attached).

Following the reading, Mayor Pro Tem Dugan asked Attorney Canoutas if this proposed amendment changes the intent of the language as it now exists and clarifies it.

Attorney Canoutas noted that it does change it somewhat because a specific date has been added (the September date) as it is now a cutting off time.

Mayor Pro Tem Dugan noted the original reason for hearing and discussing this was to help clarify the language that now exists but not to make any change in the intent of the current language.

Mayor Pro Tem Dugan noted he is not willing to make a change at this time.

Mayor Medlin called for a motion.



Kure Beach Town Council  
Regular Meeting  
March 15, 2005

**No motion was made—proposed amendment dies from lack of a motion.**

Kure Beach Zoning Ordinance Section 19-323.5 Minimum Us of Lot

Mayor Medlin read aloud the present ordinance and the proposed amendment (copy attached).

Mayor Pro Tem Dugan asked if this is the same problem.

Attorney Canoutas noted yes, the same.

Mr. Winstead mentioned that his family has owned a lot at Kure Beach since early 1900's, but has a house on it and asked how this would effect his families property (Atlantic Ave.).

Attorney Canoutas noted it would not effect it, will not apply.....and if there is a peril, he has a right under our ordinance to replace it provided it is started within 12 months.

Mr. Winstead noted that as far as meeting the setback requirements, it does not meet the set backs now, but the lot is deep enough for a single family, we could move the house.

Discussion/comment was made relative to the date and Mr. Allo, P & Z member, mentioned the district and allowable uses and mentioned the ordinances as to what was in effect at that time.

Attorney Canoutas noted that if you have a structure there and it is destroyed that was non-conforming, we have in our ordinance a provision that allows them to put it back—if they have a lot with sufficient set backs—then they build according to that—but if not, then they can re-build the non-conforming on the same footage.

Mr. Winstead asked if you adopt this ordinance could you tear the house down and put a new house.....

Attorney Canoutas noted you can not do that under this (proposed) ordinance.

Questions and comments by residents were made relative to the effect this proposed amendment would have on existing structures and non-conforming structures if it were adopted.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Mayor Medlin called for a motion.

**No motion was made—proposed amendment dies for lack of a motion.**

Kure Beach Zoning Ordinance Sec. 19-243(8) Permitted Uses

Mayor Medlin read aloud Permitted Use number 8, noting that this is a permitted use in the B-1 District.

Mayor Medlin requested Mayor Pro Tem Dugan read aloud the recommended change to item number 8.

Mayor Pro Tem Dugan read aloud the proposed amendment (copy attached). Following the reading of the proposed amendment he noted that it was never his intent nor had he heard anyone on Council say it was their intent that the owner of the property had to reside there. This proposed amendment changes the intent of the ordinance.

Mayor Medlin called for a motion.

**No motion was made—proposed amendment dies for lack of a motion.**

Recess

Mayor Medlin requested a short break.

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

Kure Beach Landscape Ordinance Section 7.5-20.1 Penalties for Violation

Mayor Medlin noted that the next item on the agenda is also a Public Hearing Item Kure Beach Landscape Ordinance Section 7.5-20.1 Penalties for Violation (copy attached) and asked Comm. Ufferman to address this item.

Comm. Ufferman noted that he wished he could have been here for the public hearing noting that he would have preferred to be here rather than where he was (Comm. Ufferman had been hospitalized).

Comm. Ufferman read aloud the proposed amendment, changing the dollar amount from \$10,000.00 to \$1,000.00. In reading the proposed amendment, he mentioned that the second paragraph of the proposed amendment is the main intent of the ordinance and noted this is for new construction.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Mayor Pro Tem Dugan noted the question came up during the public hearing as to who would be the “agent” as noted in the proposed amendment and how would you differentiate between the owner and the agent as to who would be fined.

Comm. Ufferman requested Attorney Canoutas to address this.

Attorney Canoutas noted that most times the contractor comes in and submits all the plans (info) together and they are the agent of the owner not a realtor, as he did not say real estate agent.

In discussion, comments Attorney Canoutas noted to change the word in the first sentence after agent to “for” the agent instead of agent “of” the owner.

Comm. Ufferman in comments, mentioned that a delay in construction of ninety (90) day penalty would have a greater impact than a dollar amount fine.

In discussion/comments, Attorney Canoutas suggested that the ordinance number changed from 7.5-20.1 to Section 5-61.1 which would be under the pre-requisite to construction, demolition, remodeling and impervious surface.

Comm. Ufferman read aloud the proposed amendment with changes as noted. Mayor Pro Tem Dugan noted this only changed the penalty phase of the ordinance. Comm. Ufferman noted that is correct.

**Motion by Comm. Ufferman and seconded by Comm. Fuller to adopt the amendment as read. Motion approved.**

Sub-division Ordinance Section 15-11 Penalties for Violation

Attorney Canoutas noted this is to be included in Section 5-61.1 and penalty should be changed to one thousand (\$1,000.00) dollars.

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to adopt the amendment (with changes as noted). Motion approved.**

Kure Beach Zoning Ordinance Section 19-61 Changes and Amendments

Mayor Medlin read aloud the proposed amendment to Sec. 19-61 Changes and Amendments and the proposed amendment (addition of last three(3) sentences) (copy attached).

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to approve the amendment as noted. Motion approved.**

Committee Appointments

Community Center Committee

Mayor Medlin noted that an application has been received from Ms. Patsy Stringer for appointment to the Community Center Committee.

**Motion by Comm. Fuller and seconded by Mayor Pro Tem Dugan to appoint Ms. Patsy Stringer to the Community Center Committee. Motion approved.**

P & Z Memo re: Kure Beach Villas—202 Fort Fisher Blvd. N.

Mayor Medlin referred Council to the information submitted in the Council packet relative to the proposed development, the final plat.

In commenting Comm. Ufferman mentioned that as sidewalks have been discussed, could the sidewalk be extended one foot along Fort Fisher Blvd. and that would mean a 5 foot sidewalk.

Mr. Brian Moose noted he would comply with whatever is necessary.

Mayor Pro Tem Dugan asked Shoreline Access and Parking Committee Chairman Mac Montgomery if the committee had reviewed these plans.

Mr. Montgomery noted that on that portion of Fort Fisher Blvd. there was only one parking space as the next adjacent area was an entrance to the motel. Also depending on the landscaping of the Villas, there may possibly be parking spaces on L Avenue.

Following brief comments, Comm. Ufferman suggested to forget about the sidewalk at this time as it will be discussed at a work session.

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to approve Kure Beach Villas—202 Fort Fisher Blvd. N. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

P & Z Memo re: Live Oak Village—810 Fort Fisher Blvd. S.

Mayor Medlin referred Council to the information submitted from the Planning & Zoning Commission noting that they did not approve the development.

Mayor Medlin requested P & Z member Charles Allo to address the memo from P & Z.

Mr. Allo noted P & Z submitted in their memo the reason for their (P & Z) disapproval and justification for same. (copy of memo attached).

Mr. Richard Collier, engineer for the development, noted they have received a copy of the memo and they agree with all the items to make the changes except the right-of-way width. Regarding the P & Z comments, we will be happy to comply with all other modifications and re-submit for staff approval. We (developers) still maintain a 40 foot right-of-way on the plat and would like to continue this.....

In comment relative to the 40 foot right-of-way Attorney Canoutas noted that Council had approved the concept of the 40' right-of-way.

In comments relative to the 40' (right-of-way) Mayor Pro Tem Dugan mentioned that personally he had gone with the 40' because of the potential of saving some of the larger trees.

Mr. Collier noted that the contractor was present at the P & Z meeting and he talked about the way the water line would be installed, by being underneath the trees which is common place in a lot of areas.....He mentioned that he has talked with Public Works Director Beeker about the utilities, about having the utility easement on the outside which gives him the 50' width, but means that you don't have to cut the trees down immediately, but maybe later only if there is a problem.....He mentioned that they have received all CAMA comments and are now ready to proceed with final improvement for permitting the construction.

Mayor Medlin asked Mr. Collier when they propose to present responses to other items on the P & Z memo.

Mr. Collier noted that he thought they now went to Council—additional items mentioned in the P & Z memo are available now.

Mayor Pro Tem Dugan noted that personally he is not ready to vote on this tonight as he would like to review the finished product.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Mr. Barry Nelder noted as a member of the Beautification Committee he is very interested in the 40' right-of-way and he felt we are all interested in saving as many of the live oaks as possible and wondered if Council could approve the 40 right-of-way so the developer can continue.

Mayor Pro Tem Dugan mentioned he would like to see the finished product to be assured of what will be able to be saved (trees) and what will not.

Comm. Fuller asked Attorney Canoutas if Council approves the 40' right-of-way, are there any provisions in the ordinance for stipulating that the trees he is referring to will be saved and do we have any mechanism for recourse if for any reason the trees are not saved.

Attorney Canoutas noted as far as it goes, as you have not given final approval, you can approve the 40' subject to trees be shown on the final plat and these are to remain there. Then it is a compliance with the Building Inspector.

Building Inspector Dixon Ivey mentioned that he has attended the P & Z meeting and he thought what the developer is asking for tonight is, as P & Z denied their sketch plan, the preliminary plan, they have submitted a final plat to P & Z and now they are asking for Council to approve the right-of-way, other matters have been met or information requested is available.

Mayor Pro Tem Dugan noted he can tentatively approve the 40' and asked if he could change his mind when the final plat is brought before Council.

Attorney Canoutas answered yes sir—if you make it specific that the trees that you are wanting to be saved are shown on the original sketch plan, you can say—motion can be made to approve the preliminary plan subject to those trees being shown on the final. That was the original intent to save the live oaks.

During discussion P & Z member Charles Allo questioned where it says the change in the width of roads is allowed to save trees.

During lengthy discussion relative to interpretation, width, etc., Attorney Canoutas noted when these people first came to Council they noted at that time they wanted to make a development and keep as many trees as possible. When discussion of the width of the road, there was no mention of trees at that time, but the Building Inspector's interpretation, his (Attorney Canoutas) and now Council's interpretation is under the standards in that ordinance it allows 40'....We are also as a condition want to save the

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

trees, we are not doing it, giving them the 40' to save the trees, the 40' is due to interpretation. Council is making it a condition to save the trees.

Mr. Gary Owen noted that he had lived on a 40' street and mentioned the access for garbage truck, fire truck, etc., and wondered if this is good.

Mr. Collier noted that the width of the street is actually the same as a 50' right-of-way.....no difference in the size of the asphalt.

Resident mentioned that Ocean View is 30' not 40'.

During additional discussion Mr. Collier noted they were here tonight appealing P & Z's decision to deny the preliminary plat.

Mayor Pro Tem Dugan asked if Council could recommend that they be allowed to go forward pending successful completion of all items, with the exception of the 50'.

Attorney Canoutas noted yes sir.

Following discussion/comments it was the consensus of Council to continue the meeting for review of the preliminary plans.

**Motion by Comm. Fuller and seconded by Mayor Pro Tem Dugan to continue the meeting until Monday, March 21 at 9:00 a.m. to discuss the preliminary plat. (This will allow Council additional time for review of the information submitted). Motion approved.**

Meeting continued to Monday, March 21 at 9:00 a.m.

Council to Forward Information to P & Z re: Definitions

Mayor Medlin noted that a Council work session was held (March 19, 2005) relative to definitions and it was the consensus of Council to review the draft and forward same to P & Z for their review.

**Motion by Comm. Fuller and seconded by Comm. Ufferman to send the information relative to words to be defined to the P & Z Committee for review and recommendation. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

### **NEW BUSINESS**

#### **Memo from Beach Renourishment Coordinator Gary Owen re: Sea Turtle Monitoring Coordinator 2005 Season**

Mayor Medlin requested Beach Renourishment Coordinator Gary Owen address this matter.

Mr. Owen mentioned that Mrs. Suzie Clontz has been the Sea Turtle Monitoring Coordinator for Kure Beach for the past eight (8) years, since the inception of the program. He briefly explained the functions of the coordinator and noted that she had done an outstanding job. He mentioned that Mrs. Clontz has now moved off the island and indicated she will no longer be the turtle monitor. In commenting he noted that Ms. Judy Lamberto has agreed to being the Sea Turtle Monitor, at a rate of \$650.00 a month. Mr. Owen recommended Council enter into a contract to hire Ms. Lamberto. If approved he will provide the letters for the Mayor's signature authorizing this.

**Motion by Comm. Fuller and seconded by Mayor Pro Tem Dugan to authorize this. Motion approved.**

Mayor Pro Tem Dugan suggested Mr. Owen send a letter of appreciation to Ms. Clontz.

#### **Community Summit**

Mayor Medlin mentioned that a Business Summit was previously held and Council would now be scheduling a Community Summit.

Mayor Pro Tem Dugan noted that this summit would be a continuation of Council's effort to get as much information as possible from business persons and the community.

Following additional comments/discussion, Council tentatively set the date for the summit for Saturday, April 2, from 1-3 p.m. at the Community Center, pending availability of the center and that Mr. Chris May, the facilitator will be able to attend.

**Mr. Kraus** mentioned the Land Use Plan and asked about the results of the survey.....

(Clerk noted that there is a copy of the draft LUP in the front office for review).



Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Persons to Address Council (Excerpts of Comments)

Mrs. Lisa Heglar, resident of Kure Beach, reading aloud a statement, noted that she represents a couple of people in reference to property that she is selling, as she is the listing and selling agent for Nelson's Motel. She mentioned that it would run one more year as a motel but she would like to notify the Town of their intent. Options A and B will be presented to Council at a later time and then a proper plan will be submitted and noted the intended use references Sec. 19-323.5 Minimum Use of a Lot. She will be requesting that a single family dwelling be permitted and referenced additional ordinances and in commenting noted the buyer will be asking the Town to amend the height restriction in the B-1 district pertaining to the current buyer's property only. The buyer conveys (via agent) that he is not a part of any group pushing for a major change.....And they look forward to working with Council staff.....

Mr. Mac Montgomery mentioned that in June 04, Council was presented a petition requesting a referendum to amend the Town Charter to include the 35' height limit. In January of this year, Council voted 3 to 2 not to request the N.C. Legislature to hold such a referendum. In discussions around the January vote there was a constant reference to the January vote that we did not want to get Raleigh involved...Mr. Montgomery noted that the question had been asked at a meeting if any plans had been made about raising the height limit before next January, a year from the date of the meeting. As it appears this issue is not officially over and he would like to ask Council if they are considering a referendum issue for the 35' height limit or are they considering other action that may effect the height limit because on February 23, Mayor Medlin attended a meeting in Raleigh coordinated by local business owners with Rep. Danny McComas, Rep. Carolyn Justice, Rep. Bonner Stiller and state Senator Julia Boseman.....one of the topics discussed was the local issue of the 35' height limit and the previously discussed petition.

Mr. Montgomery asked if the visit constitutes a change in the position of Council regarding the 35' height limit.

Mayor Medlin addressing this item noted that she attended the meeting as a citizen not as Mayor.

Mr. Mike Robertson mentioned that he and other business owners contacted the motel owners representative Mr. Jim Hobbs. He set up the meeting with the representatives and notified them of the date and time of the meeting. Mrs. Medlin was already in Raleigh area. He mentioned that they maybe met 15 minutes with the representative relative to the B-1 District and the situation at the south end.

Additional lengthy discussion/comments were made by numerous residents in attendance.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Mayor Pro Tem Dugan noted this particular time of the Council meeting is for people to address Council not each other.

### **MAYOR'S ITEMS**

Mayor Medlin mentioned the situation with the Carolina Beach Inlet and other inlets and noted that on March 2 & 3 she and Mayor Barbour went to Washington with several other people and met with approximately 16 of the Congressmen and Representatives. A couple of days afterwards, we received word from Congressman McIntyre that the money had been acquired for keeping the inlet open.

Mayor Medlin noted that the Carolina Beach Inlet not only effects Carolina Beach but Kure Beach as well economically. She noted the importance of staying in touch with persons in Washington and Raleigh.

### **COMMISSIONERS' ITEMS**

Mayor Pro Tem Dugan—no items.

Comm. Ufferman—mentioned that the Beautification Committee is reviewing the Landscape and Vegetation Preservation ordinance and will be making recommendations to Council.

Comm. Fuller—noted that Banking proposals have been received from three different banking institutions. Susan has the proposals and he would like Council review same. He, Comm. Ufferman and Susan, as the Budget Committee appointed by Council, will be working on this, review documents and make a list of questions, meet with representatives and hopefully have report to Council prior to the new fiscal year.

Comm. Fuller asked the status of local (Kure Beach) TDA as we have been collecting ROT money and he can not tell anything as of yet.

Mayor Medlin mentioned that she and Ronnie Pernell had been talking about this and in commenting Mr. Pernell noted the ruling that Kure Beach representative had to be resident and owner.....

Mayor Medlin noted another TDA meeting will be held March 29 and she will advise Council.

Comm. Fuller asked if the Attorney can look into the legal limitation.

Kure Beach Town Council  
Regular Meeting  
March 15, 2005

Following comments, Attorney Canoutas will look into the act for requirements for TDA reps.

Also Mr. Pernell will look into the matter.

Comm. Fuller reminded everyone of the Community Spirit Award Banquet.

Ms. Griffin mentioned that they also have door prizes for those attending the Banquet.

**ATTORNEY'S ITEMS**

Attorney Canoutas—no items.

**CONTINUATION**

Mayor Medlin noted meeting is continued to March 21 at 9:00 a.m.

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