

KURE BEACH TOWN COUNCIL

REGULAR MEETING

APRIL 19, 2005

CALL TO ORDER

Mayor Medlin called the meeting to order welcoming everyone to the regular monthly meeting of the Kure Beach Town Council. Present were: Mayor Pro Tem Dugan, Comm. Ufferman, Comm. Fuller, Attorney Andrew Canoutas, Public Works Director Beeker, Building Inspector Dixon Ivey, Police Chief Dennis Cooper and Fire Chief Harold Heglar.

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

Representatives from New Hanover Human Relations Commission re: "Proclamation of April 2005 as Fair Housing Month" (copy attached).

Mayor Medlin read aloud the Proclamation and requested New Hanover Commission representatives, Mrs. Sylvia Hollman, Mr. Byrd, Mr. John _____ and Rev. Paul Christ come forward to accept the Proclamation.

Mayor Medlin welcomed the representatives to the meeting and Ms. Hollman accepted the Proclamation on behalf of the Commission. Mr. Byrd expressed appreciation to the Commission and to Council for their support and noted that Rev. Christ was Kure Beach representative on the Commission and is doing a remarkable job. Following additional comments, the audience applauded.

Resolution Adopting 2030 Wilmington Urban Area Long Range Transportation Plan included in the packet. She mentioned that representatives of this committee is present at tonight's meeting. Mayor Medlin read aloud the Resolution (copy attached).

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to adopt the Resolution. Motion approved.

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Mayor Medlin requested Mr. _____ come forward to accept the Resolution and she mentioned that he would be leaving the area returning to Oregon.

ADOPTION OF THE AGENDA

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

Comm. Ufferman requested a short closed session for legal matters.

Comm. Fuller requested to move the second item under Old Business, “Ordinance for timed Parking Spaces” in B-2 and B-3 to the very end of Old Business and have a short recess before getting to this item.

Mayor Pro Tem Dugan requested to add to New Business the vacant position on Council.

Mayor Medlin noted that Comm. Ufferman has already requested a closed session and she would also like to have a session regarding a personnel matter.

Mayor Pro Tem Dugan noted that due to the length of the last couple of sessions held by Council, he felt it would be better for the audience for Council to hold the session at the end of the meeting after the Attorney Item.

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

APPROVAL OF THE MINUTES

Regular Meeting—March 15, 2005
Continued Meeting of March 15 to March 21 to review/discuss/consider approval of the Preliminary Plat—Live Oak Village

Motion by Mayor Pro Tem Dugan and seconded by Comm. Fuller to accept the minutes a presented. Motion approved.

APPROVAL OF THE FOLLOWING MONTHLY REPORTS

Police Report—month of March 2005
Fire Dept. Report—month of March 2005
Building Inspector’s Report—month of March 2005
P & Z Commission Draft Minutes—April 5, 2005, Continued Meeting—April 12, 2005

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

COMMITTEE REPORTS

Mayor Medlin noted that the reports received are posted for review.

Shoreline Access and Parking Committee Report

Mr. Mac Montgomery, Chairman of the Shoreline Access and Parking Committee reviewed the Committee Report submitted and expounded on each portion thereon. (copy attached).

Relative to the Survey of Beach Access Conditions portion of the report, he mentioned that copy of the report is available to Council and a copy has been given to Public Works Director Beeker. In expounding on the report he noted they will work with Mr. Beeker on the needs.....Public Works Director Beeker has indicated that possible prison labor can be utilized in this endeavor.

Mr. Montgomery mentioned the portion of the report relative to the Beach Access crossover at 1045 Fort Fisher Blvd. S. noting that there is no regulatory requirements for handrails due to the height, but it has been suggested and in fact requested that a handrail be installed. And the Committee is in the process of taking estimates to have a handrail installed. The Committee does not have any money left for this project. The two estimates received indicate that to install 60 to 75 feet of handrail could cost \$3,000.00 to build to our standard. Mr. Montgomery noted that he has talked with Public Works Director Beeker about possibly purchasing the material and have prison labor complete the work. Although they (prison labor) are presently at least three(3) months behind in any project.....If Council wants the project completed this final year he would request that Council consider the possibility of restoring a portion of the money the committee returned to Council and perhaps do it locally out of this year's budget. If this is not possible, they would like to have it included in next year's budget. He also mentioned that there are people in Town who can do the work.

Mr. Montgomery referring to the last item on the report "FY 2005-2006 CAMA GRANT" noting this was also an agenda item under New Business and mentioned that they had met with Mike Christnbery the CAMA Compliance Officer, Director for this area, came down and reviewed our crossovers and in discussion noted that if the Town wanted to resubmit an application for a grant for restroom facilities at the Joe Eakes Park this would be a good time to do it. Mr. Montgomery noted that the grant application packet has been put together and he is requesting Council's approval to go forward with

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the planning process—one of our meetings would be advertised as a public meeting to receive input for this project....once this has been done when the paperwork comes down from the state, the grant can be put together, infor brought back to Council for approval....and preliminary grant can be submitted. He noted that he has talked with Pubic Works Director Beeker and he is aware of the proposed project. He mentioned that a public restroom brings on a new set of issues that have not been addressed, i.e., cleaning, opening, closing, etc. To date the Town has only porta-potties and it is a general consensus that this is a worth while project. He requested Council's approval to begin the planning process for this noting that the committee can bring it back to Council at the May meeting.

Comm. Fuller asked if he wanted to talk about the second one also.

Mr. Montgomery noted this was an agenda item as they are looking at another location—area that has the highest number of visitors throughout the year—the highest number of visitors in a transient area is along K Avenue and Atlantic the only restrooms in this area are located in the businesses. In commenting, he mentioned the possibility of building a platform type restroom facility similar to the one at the Fort Fisher Recreation Area. He mentioned the requirements for this.

Comm. Fuller noted that he thought the parking committee had mentioned the possibility of applying for a grant to get some money to hire an engineer or an architect.

Mr. Montgomery mentioned that a feasibility study could be done and this would be paid for up to 75%.....Also as an interior measure that was brought up at the public forum at the Community Center, there was some comments made about the lack of public facilities throughout the Town.....We could, with planning, put handicap accessible porta-potties, such as is used now at the park, at some of the accesses—cost to service these is \$80.00 per month.....In continuing comments he mentioned that there are several options and the least expense and quickest fix is to use porta-potties as we already have a contract with Waste Management for this service.

Comm. Fuller noted this would need additional discussion at a later time but the agenda item is for approval to the Shoreline Access and Parking Committee to prepare a grant application for a public facility at the park and then authorize for them to begin preparing a grant request for design fees for a facility in the vicinity of K Avenue and Atlantic, between K and Atlantic.

Mayor Pro Tem Dugan asked if the Committee has talked about the design, platform type and if the committee felt this design would be sufficient. He noted that this has been

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briefly discussed as water and sewer are available in the area, also numerous other issues are involved.

Motion by Comm. Fuller to authorize the Shoreline Access and Parking Committee to prepare a grant application for a public restroom facility to be located at the Town Park and they be authorized to prepare a second separate grant application for a consultant to do engineering and site location work for a public restroom facility in the vicinity of K and Atlantic Avenue. Motion seconded by Comm. Ufferman. Motion approved.

Comm. Ufferman mentioned this is a difficult issue as he is really concerned about the safety issue because of what could happen.

Mr. Montgomery noted this would require a lot of planning before anything is done.

Community Center Committee

Mr. Ron Griffin mentioned that the Community Spirit Awards Banquet was held Saturday, April 9—over 75 people were in attendance. Mr. Griffin requested Mr. Mark Blasko come forward and made the presentations.

Mr. Blasko noted there were a total of twelve nominees this year for the three awards—annual award, youth award and lifetime award. Jessica Dundas was the winner of the youth award, annual award went to Mr. Thomas Russell and the lifetime achievement award was J. W. “Dub” Heglar. (Audience applauded all three winners). Mr. Russell and Mr. Heglar came forward to receive their plaque.

Mayor Medlin congratulated the winners.

Mr. Heglar noted that he was very honored and humbled to be the winner of the award.....(Audience applauded).

Mr. Griffin mentioned that this Saturday evening at 7:30 p.m. will be the final dance of the 2004-05 season, next dance will be in the fall—music will be provided by Diane and Tony—who play a variety of music.

Website Report

Mr. Griffin, Website Administrator announced that Public Works pages have now been published...they can be accessed through the main index page of the web site. There is a lot of good information relative to Public Works and what they do.

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Mr. Griffin mentioned that his report was submitted and is posted and also information was sent to Council with recommendations relative to the future of the web site.

Comm. Fuller mentioned that the Town website has been be seized by spam and email is virtually not accessible because of spam problem. He noted that Mr. Griffin has made a recommendation to Council that we switch to Micro-soft web hosting for small business—they have virus protection, the spam _____ and other features. The monthly cost is pretty much the same—there is about a \$100/150.00 up front cost. He mentioned that we have been reluctant to put a lot of content on there and get all of the departments involved because of this concern. He felt the department heads as well as himself and Mr. Griffin felt this was a good move and he would recommend this.

Motion by Comm. Fuller to proceed with this and the extra \$100.00 or so be taken from the General Fund. Motion seconded by Mayor Pro Tem Dugan. Motion approved.

Comm. Fuller noted another feature is that a domain name such as Town of Kure Beach can be registered. This will make it easier to find.

Mr. Griffin noted that 5 sub-webs will be allowed in addition to the web site. Mr. Griffin noted it will probably take a month or so to switch.

Comm. Fuller expressed appreciation to Mr. Griffin for his volunteer work on this.

Beautification Committee

Comm. Ufferman noted the committee did not meet this month.

ADA Committee Report

Mr. Gilbert Alphin mentioned that the committee is moving along very smoothly and asked when Council would have another work session. He noted that he had about an hours worth of items to present to Council.

He noted that his committee needs to get with the Shoreline Access and Parking Committee to review areas/accesses, etc. Mr. Alphin noted that he will also be getting in touch with the Department Heads.

Mayor Medlin suggested Monday, May 16 at 6:00 p.m.

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Mr. Alphin mentioned that this session will be in regards to the ADA report as they have spent about 30 hours involved. Also in regards to motor vehicles and traffic—Sect. 10-261 pertains to parking down at the pier in regards to ADA—this area needs to be reviewed and updated.

Department Heads' Items to present to Council

Town Clerk Frankie Jones—no item to present.

Public Works Director Sonny Beeker—no item to present.

Building Inspector Dixon Ivey—advised Council that the Code Enforcement Officer has sent out letters of notification to all property owners in regards to business license.

Responses should be returning shortly.

Police Chief Dennis Cooper—mentioned that some time ago, some town ordinances were converted to criminal citation—it was written on a state citation—a court date was given to appear in court. Court cost were converted to the Town and they were made civil ordinances in doing this—he recommended the first violation be a civil violation and the 2nd or subsequent violation be a criminal violation. He mentioned changes that have been made in the District Attorney's office and the Police Chiefs have gotten together and in doing so have determined they are better off to have the option in the on-set to write either a civil or criminal citation. Chief Cooper cited an event that could lead to either citation. He is not changing anything, this will simply give the discretion to choose. He submitted a copy of the civil citation that can be used. (Attorney Canoutas indicated he has a copy). In additional comments he mentioned that by doing this, it gives the officer enforcement power to enforce the ordinance and he requested permission to do this and authorize the Town Attorney to draft the ordinance.

Regarding the alcohol violation, they can add a civil violation as well. He explained the situation requiring a court appearance versus paying the citation.

Chief Cooper noted that if authorized two motions will be needed—one giving the option of making the ordinances (list submitted) either civil or criminal and the second will be adding to the civil violation for alcohol violation.

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to authorize the Attorney to draft the needed ordinances. Motion approved.

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Chief Cooper noted the civil penalty will be \$25.00.

Chief Cooper advised Council that he has received a list of calls, complaints, inquiries, relative to the dogs on the beach. The (Police) Department is starting to work that but he wants Council to be aware that most of the calls are in the early morning hours, 5:30 to 7:00 p.m., the way our schedule is set up we have one guy here from 4 a.m. to 7 a.m.....logistically we do not have staff to enforce this—if he is on the beach he is off the street—we can access the beach by Davis Beach Road or Ocean Boulevard—if we are at the pier area and have a dog on the beach , we must go north or south a good ways to get to where the call is referencing. He noted that he has talked with Public Works Director Beeker about an additional access that would allow us to get our gator on the beach at areas other than Davis Road to Ocean Blvd.....Also N Avenue has been mentioned.....we need to be able to have access to the beach. He mentioned that possibly this was something the Shoreline Access and Parking committee needed to look into. Also the Fire Department may need to get the brush truck on the beach.

Comm. Fuller noted that Fred has been looking into this.

In discussion Mr. Montgomery mentioned that N Avenue would provide the best access to the beach on the north side of K Avenue and Kure Beach already owns property. He noted that before doing any work CAMA approval will be needed. Also it will need to be determined whether to use the flexible material or make a sand ramp.....He further commented on the most feasible access to be worked up for vehicle access is N Avenue because of the wide access and Kure Beach owns all of the entrance to the ramp area....also it will be as wide as or wider than Davis Road—and CAMA must approve the project.

Chief Cooper mentioned that at this point he doesn't need hard surface access, just need access.

Public Works Director Beeker noted that the access needs to be north of the pier, and it can also be used to get equipment on the beach should the need arise.

Mayor Pro Tem Dugan asked if Kure Beach's "animals on the beach" language is the same as Carolina Beach's.

Chief Cooper noted that he would check. He also mentioned that they will have to start enforcing this and to make it work they have to be out there when the lifeguards come on Memorial Day, this takes care of the situation....but it is before Memorial Day and after Labor Day that has to be taken care of.

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Mr. Kraus asked if a citizens group or committee could be organized, such as they have in Wilmington, to help patrol the beach.

Chief Cooper noted that he could not comment and would need to refer this to the Attorney as he does not know how it would work to have the citizens try to enforce it.

Attorney Canoutas noted he was talking about a citizens' watch.

In continuing comments, Mr. Kraus noted he is proposing to look into this.

Mrs. Griffin noted that citizens do not help a lot as they (Griffin's) were informed by a neighbor who was taking their dog on the beach, that they owned several properties on the beach.

In other matters Chief Cooper mentioned that as the First Baptist Church no longer has an area in which to hold their summer resort ministry, he has received a request and is forwarding the same to Council for their consideration, the request to allow them to have the ministry on the beach just north of the pier. He submitted information to Council for review noting that he would get back with them at a later time.

Chief Cooper requested Council allow him to use some of the TDA money.

Mayor Medlin noted if approved by Council, he will need to complete the form and it will be turned in to TDA.

Mr. Kraus asked the status of the formerly mentioned golf cart situation and if it was ever resolved.

Chief Cooper noted that it was resolved under state law—it must be licensed same as motor vehicles.

Mr. Nelder asked the regulation of the 4-wheel bikes.

Chief Cooper noted it is same as a bicycle.

Mayor Medlin asked Attorney Canoutas if motion is needed for TDA funds.

Attorney Canoutas noted that if Council wants to approve completing his application.

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Chief Cooper noted he is looking at replacing some ATV's, some overtime, personnel for the beach—it all ties in. He mentioned that other beach towns have used there monies for beach front law enforcement and safety issues.

Mayor Medlin mentioned that she had given the Commissioner's a packet of information from the last TDA meeting.

Comm. Ufferman asked if this has to go through the Marketing Committee as Beautification needs some money also.

Mayor Medlin mentioned that this will be discussed shortly.

Fire Chief—no item to present to Council.

Mayor Medlin requested a short recess before continuing with the agenda item.

Recess

Following the recess, Mayor Medlin recalled the meeting in session.

OLD BUSINESS

New Application for P & Z and Proposed Application Fee of \$200.00

Comm. Ufferman, as mentioned at a previous meeting, a new Kure Beach Planning Application Form packet has been compiled to be given to the developers. Packet has been put together by Jennifer, Charles Allo, P & Z, and Council persons and has been reviewed by several contractors. He also noted the proposed \$200.00 application processing fee, as the money would go into the Inspection Department.

Mayor Pro Tem Dugan mentioned in reviewing the packet some of the language refers to County.....

Comm. Ufferman noted this will be cleaned up and motion was made by Comm. Ufferman (to accept packet and fee).

Comm. Fuller mentioned that he agreed with the \$200.00 fee.....he then referred to information included in the packet, the request for a zoning change—there are some state statutes required—notification and he felt this was something that the Town should ask the property owner to do. In other towns the person requesting the zoning change is

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required to do that and since we don't have a lot of staff he felt this should be the responsibility of the property owner.

Comm. Fuller explained how the City of Wilmington handles this notification requirement.

Comm. Ufferman noted that this will be looked at.

Mayor Pro Tem Dugan referred to the Kure Beach Application for a minor subdivision, "guide to review procedures" and read aloud same. For clarification he mentioned that the Zoning Administrator is the Building Inspector and the Planning Department is Planning & Zoning. He continued to read portions of the application and asked for clarification of several areas.

Attorney Canoutas mentioned that he would like to review the packet in its entirety before Council approves.

In discussion Comm. Fuller asked if Council could approve the idea of a single application packet and the \$200.00 fee and leave it to Planning & Zoning, Dixon and the Attorney to prepare the form. We don't have to approve the form each time it changes.

Comm. Fuller seconded Comm. Ufferman's motion for adoption of the form itself, leaving the details to the Attorney and P & Z, and the \$200.00 planning fee.

Mr. Kraus asked where the money (\$200.00 fee) will go and if it is in the motion.

Comm. Ufferman noted it will go to the (Inspection Dept.).

Motion approved.

Schedule "Community Open House" for presentation/discussion of Land Use Plan Update

Comm. Fuller noted that Haskell Rhett who is putting the Land Use Plan together mentioned that he would like to schedule a Community Open House for the purpose of reviewing the information on the Land Use Plan. We are getting close to when the plan goes to the State. Mr. Rhett suggested Saturday, May 14, from 1 to 3 p.m. at the Community Center.

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Motion by Comm. Fuller and seconded by Comm. Ufferman to schedule the Community Open House meeting as noted and authorize the Clerk to advertise same. Motion approved.

Schedule Work Session for FY 2005/2006 Town Budget (including opportunity for public input)

Mayor Medlin turned this over to Comm. Fuller as he is Finance Officer.

Comm. Fuller mentioned that time is running out and he would like to do this the first week in May if possible.

Mayor Medlin asked what date.

Comm. Fuller noted that we shouldn't do it on Tuesday as that is P & Z meeting and he suggested Monday, May 2 at 6 o'clock.

Mayor Medlin asked Comm. Fuller what part is this about.

Comm. Fuller mentioned that it's just a general discussion about the budget, try to set some goals and give the citizens an opportunity to tell us some of the things that they would like to see.

Mayor Pro Tem Dugan asked if this is for the citizens.

Comm. Fuller noted that it is.

Mayor Medlin asked about the next one.

Comm. Fuller asked if they need to schedule a work session on the audit.

Town Clerk Frankie Jones, referencing the memo that went out with the audit, noted that she has not received any questions or concerns back from anyone.

Comm. Fuller mentioned that normally he presents it to Council at some point.

Clerk mentioned that at the present time he is out of state.

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Following additional comments/discussion, Comm. Fuller suggested setting a work session right before the meeting on the 17th (May) and we can combine the budget presentation and that (audit) at 6:30 on the 17th.

Mayor Medlin asked if 6:30 is for the auditor.

Comm. Fuller noted for the auditor and the draft budget.

Time Limit Parking

Comm. Fuller mentioned that in December (meeting) at the request of some local business people, Council discussed/considered an ordinance where with the application of a business owner, Council could assign certain parking spaces to be time limited—as some business owners pretty much require some parking in the vicinity of their business—folks have been parking entire week ends there and keeping customers from getting into the stores. Also with the development along Fort Fisher Blvd., the situation has gotten worse. What used to be parking spaces is now curb cuts. Council deferred action until after the business summit was held as we felt there may be some sort of business development plan forth coming. At the last parking committee meeting, this was discussed again, and it was mentioned that at least in the B-2 and B-3 district, which are very limited and are the zones most severely impacted by the loss of curb-side parking, possibly Council could go ahead and adopt this ordinance (copy attached). It would have a minimal impact and would be a great help to the businesses.

Comm. Fuller noted the only charge would be that this (timed parking) will be limited to the B-2 and B-3 districts. He has talked with the Police Chief and he is okay with it in the B-2 and B-3 Districts right now—the businesses will still have to apply and it will have to be approved. All we will be doing tonight is adopting the ordinance and setting up the frame-work. An application will still be needed and approval granted before it goes into effect in any specific location. He felt this would be helpful to our local businesses and he motioned for adoption.

Motion seconded by Mayor Pro Tem Dugan.

Mayor Pro Tem Dugan asked the definition of time.

Mr. Montgomery mentioned that in the original discussion, the applicant would come in and ask for a specific time, i.e., 15 minutes, 30 minutes.....The applicant would submit request to the Shoreline Access and Parking Committee and the committee would

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consider the request—the goal is to enhance those businesses who would benefit by turn—over business by keeping customer parking available.

Mayor Medlin expressed concern as to who would take care of this, say if it is a 15 minute spot and they park for one hour.

Mr. Montgomery noted that every request that comes in and based on Council's recommendation, it goes to the Parking Committee, we coordinate with the Chief of Police to see if in fact it is enforceable. Also every request must be coordinated with the Chief of Police before approval can be granted.

Mayor Pro Tem Dugan asked the approximate number of parking spaces; also we do not want to end up as arbiter between businesses, as to the number of spaces and the time allotted.

Mr. Montgomery mentioned those businesses that may be effected.

In additional discussion, Comm. Fuller mentioned that the process would be the plan would apply to the committee (Shoreline Access & Parking Committee) the committee and the Police Chief would work out the details and then the recommendation would be forwarded to the Town Council.

Attorney Canoutas noted that Council will approve each one.

Mr. Montgomery in commenting, mentioned that then we need to do whatever we can to enhance and encourage businesses to stay in business in Kure Beach instead of leaving.....also each business will be reviewed separately.

Comm. Fuller noted that this is the first step of the experiment.

Mayor Medlin noted there is a motion and second on the floor and asked if there is any more discussion.

There being no additional discussion, motion was approved.

Regarding enforcement, Comm. Fuller noted he and Chief Cooper have talked about this and it will be worked out.

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NEW BUSINESS

Accept Resignation of Community Center Committee Member

Mayor Medlin referred Council to the letter of resignation. (included in the packet) of Mrs. Mary J. LeMehaute noting that she will be moving out of town.

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to accept the resignation. Motion approved.

P & Z Memos

Resignation and Recommendation to fill vacancies

Comm. Ufferman advised that he was sorry to say Charles Allo has turned in his resignation and Jim LeMehaute is moving out of state. He felt something should be done for Charlie and Jim. He will bring this item up at the next Council meeting.

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to accept the two(2) resignations. Motion approved.

Mayor Pro Tem Dugan recommended sending all three persons thank you letters.

Mayor Medlin referred Council to the information, recommendation submitted by P & Z in regards to filling the vacancies on the P & Z Commission.

Comm. Ufferman noted that P & Z recommend Mr. Alan Votta and Mr. Patrick Brennan fill the vacancies. He mentioned that a lot of good applications were received.

Motion by Comm. Ufferman and seconded by Comm. Fuller to accept the recommendations of P & Z and appoint Mr. Alan Votta and Mr. Patrick Brennan to the P & Z Commission.

Mayor Pro Tem Dugan mentioned that he had reviewed the applications/resumes and there was some fantastic resumes'.

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Comm. Ufferman noted that he agreed with Mayor Pro Tem Dugan and he had even asked one that was not appointed if they would consider being a part-time planner.

There being no additional comments, motion was approved.

Request from Exchange Club of Lower Cape Fear/Wilmington that Kure Beach purchase 50 flags at \$25.00 each for Soldiers Healing Field.

Mayor Medlin referred to the information included in the packet relative to a temporary memorial display, a Soldiers Healing Field with over 1600 American flags in remembrance of the soldiers that have lost their lives in Iraq and during the war on terror Afghanistan since September 11, 2001 (copy of letter of request attached).

During discussion/comments Comm. Fuller noted to purchase 50 flags at \$25.00 will cost \$1,250.00 and there is money available in the line item of contributions for charitable organizations.....

Mayor Medlin noted this event will take place at the Battleship May 28, 29 and 30.

Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman.

Mr. Kraus asked how many people will be needed to put up and remove the flags.

Following additional comments relative to donation requested for each flag versus actual cost.....Mayor Medlin read portion of letter relative funds.

In additional comments Comm. Ufferman mentioned that one of our residents, Tom Russell, has a very worthwhile project and maybe we should have him come and make a presentation on his project.

Mayor Pro Tem Dugan amended his motion to purchase 20 flags. Motion seconded by Comm. Ufferman. Motion approved.

Revise Parking in B-1 District to eliminate on-site parking for certain uses

Comm. Fuller mentioned that is another theory that has been talked about and we are looking at a long-range plan. This is one of the things we need to get on with the program. One of our concerns in the B-1 District has been rather strict on-site parking requirements. Comm. Fuller read aloud his comments (prepared comments submitted to Council and audience (copy attached) encouraging new and expanded businesses in the Town of Kure Beach B-1 Business District.

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In commenting he noted the need to look at all the issues in B-1 but we need to get this started, as he is afraid if we wait to get the whole forest, we will loose all individual trees. We need to start on some of the smaller parts of the problem. He has talked with all Council members and we are all deeply concerned about this problem. He mentioned also that Mayor Pro Tem Dugan has been in contact with consultants at UNCW with the idea of doing some type business development planning and study and so as part of this he would like to ask Council to authorize the expenditure of up to \$2,000.00 in General Fund Reserves Fund for consultant or other professional services if they are needed. Authorize the money but stipulate that it not be spent without the concurrence of Comm. Ufferman who is deeply involved with Planning & Zoning and Mayor Pro Tem Dugan who has been working on a lot of these issues and is involved with public works. The final thing is that Council request reports of the preliminary recommendations at the Town Council meeting on June 21.

Mayor Medlin mentioned that several attempts have been made (in the past) to get the parking restrictions lifted in the B-1 District. Maybe this will make it come to pass.

Following additional comment, **motion was made by Comm. Fuller to send this to the respective committee with the approval of the expenditure. Motion seconded by Comm. Ufferman. Motion approved.**

Vacant Position on Council (Item added by Mayor Pro Tem Dugan)

Mayor Pro Tem Dugan mentioned that due to very unfortunate circumstances, we are one person short on Council. Since Jennifer's passing, probably all of us have contacted the Town Attorney to at least see what our options are. There are a number of options available: (1) leave it unfilled

- (2) Council could appoint someone to fill the remaining portion
(Attorney Canoutas noted the time frame would be for now
until December and then a 2 year term would be up for election)

He noted that he felt the public needs to know Council's feelings as to what they want to do or do not want to do with the position. He mentioned that his preference would be to leave the seat unfilled—reason—this year is an election year and also he felt that although every vote was not unanimous, in general the four presently seated have not had a significant problem as for tie votes—the level of cooperation among the four(4) of them is very good and he does not foresee anything coming up which will make us go at 2 to 2. Also he strongly feels that it is up to the people to put people here not for us (Council) to be picking and choosing...He would prefer to leave the seat open and continue to work together until the proper time for people to run for that seat.

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Comm. Ufferman noted that he agreed with Mayor Pro Tem Dugan. His question is would a person sign up for 2 years.

Attorney Canoutas indicated that yes as it will be a two(2) year seat on Council—there will be two(2) people running for four(4) years and one running for two(2) years.

Following additional comments, Mayor Pro Tem Dugan mentioned that seats open will be two(2) for four year terms, one(1) at a two year term and the two year Mayor's term.

Motion by Mayor Pro Tem Dugan that Council leave the seat vacant until the next regularly schedule election. Motion seconded by Comm. Ufferman. Motion approved.

Persons to Address Council:

Mr. Gilbert Alphin noted in regards to the budget mentioned earlier, the ADA Committee would like for Council to consider another department head—a carpenter—every time we come up with something we have to put bids out, track someone down—he realizes Harold dos the work on the show stage, and the guys at the Town Barn do certain things with hammers, nails, etc., the way the Town is growing and with so many round, maybe this could be considered at the May 1st budget session.

Comm. Fuller thanked Gilbert for this suggestion and noted that he will put this on the list.

Mr. Gabby Kraus noted that at the citizens meeting, Mayor Pro Tem Dugan mentioned that he had UNCW people doing a study for us.

Mayor Pro Tem Dugan noted that he had approached them and has had preliminary meetings, but no decision has been made. Also he has a meeting scheduled with them for next week. These are only preliminary stages.

Mr. Kraus also mentioned the article in the paper relative to fund balances, town, counties and beach communities—the only town in New Hanover County that did not have a number listed was Kure Beach. He asked the author of the particular article where she got her information and she advised that she got from the state. He did not know if the state is at fault, the Town of Kure Beach is at fault, but it seems we ought to have this information available for the public.

Mayor Medlin noted that as mentioned earlier, we are having a problem with the web site.

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Comm. Fuller mentioned that he has not read the article but will look into it. He has talked with Sherry about this, and he thought the web site is the Local Government Commission's web site where they post financial reporting for all towns. It is his understanding that in the past they take this directly from our audit.

The Clerk noted that the audit was not completed when Sherry did the story.

Comm. Fuller noted that this may be the explanation—although Sherry said it was for the 03-04 year.....

Clerk noted this (03-04) was recently completed/approved.

Mr. Kraus stated that he saw no reason why that information was not available and he would like an explanation.....

Clerk stated that the audit had not been completed at that time. It has now been completed and approved by the Local Government Commission.

Following additional comments Comm. Fuller indicated that he will look into this.

Mr. Gilbert Alphin stated that he wished the new Pope the best of success.

MAYOR'S ITEMS:

Mayor Medlin mentioned that she would like to talk about the Marketing Committee. At the TDA meeting last month it was brought up that in order for the dollars that are to be spent to market and promote Kure Beach, there must be a marketing committee in place to advise the TDA as to how they would like to see Kure Beach promoted with those dollars. To date we have Ronnie Pernell, Faye Teague and Helen Wilson that have said that they want to be on it and they can. We have one other that cannot be on there and she would like to see this Council do tonight and she went back and made sure that persons on this committee do not have to live in Kure Beach—they can be a business owner and must be connected in some way for promoting tourism in Kure Beach. She would like to see Council go ahead and get this Marketing Committee in place as it is holding us up as far as being able to utilize the dollars to help them.

Comm. Fuller asked if the Marketing Committee could be those three people.

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Mayor Medlin noted they (TDA) wanted five(5) members. She noted she is the liaison, not a voting member. She mentioned that another person who has expressed interest in being on this committee, Ann Brodsky with the Palm Air. She would like to be on it.

Comm. Fuller noted the businesses are paying the taxes and we are collecting the money.

Mayor Medlin noted we need to get this committee meeting with Ms. Grizzell and get started.

Clerk asked if she could check on some information relative to this and get back with Council.

COMMISSIONERS' ITEMS:

Comm. Ufferman—no item.

Comm. Fuller—no item.

Mayor Pro Tem Dugan—asked if Council would consider having the portion of the agenda from after the item “Adoption of the Agenda” from the item “Approval of the Minutes down to Department Heads”—have all of this handled by one(1) motion. Anyone who wants to speak can get in touch with Frankie prior to the meeting. One motion can take care of all the different items.

Mayor Medlin noted that the committees will have to get their report

Attorney Canoutas noted that this is a “Consent Agenda”.

Motion by Mayor Pro Tem Dugan to have a “Consent Agenda”. Motion seconded by Comm. Fuller. Motion approved.

ATTORNEY'S ITEMS

No item to be added.

Mayor Medlin mentioned that a closed session has been requested.

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to go into closed session. Motion approved.

Following the closed session, Mayor Medlin recalled the regular meeting back in session.

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Attorney Canoutas noted the session was attorney—client relationship. The Attorney wanted direction from Council and the other was housecleaning details regarding administration.

ADJOURN

There being no additional item for discussion, **motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to adjourn. Motion approved.**

Minutes by _____
F. Jones