

MINUTES

TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449



Mac Montgomery, Mayor
Jim Dugan, Mayor Pro Tem
Dean Lambeth, Commissioner
Barry Nelder, Commissioner
Jim Vattrt, Commissioner

Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING
JULY 21, 2009 6:30 P.M.

COUNCIL MEMBERS PRESENT:

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vattrt

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Building Inspector	John Batson
Police Chief	Dennis Cooper
Town Clerk	Kaysie Pralle

Town Attorney A. A. Canoutas was in attendance. There was a quorum of the Town Council present.

CALL TO ORDER AND WELCOME

Mayor Montgomery called the meeting to order at 6:30 pm. Pastor Richard Graff of Kure Memorial Lutheran Church delivered the invocation. Mayor Montgomery led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

- × Resolution of recognition for time and service for Sheriff Sid Causey
Police Chief Cooper presented New Hanover County Sheriff Sid Causey with a resolution recognizing his time and service to the citizens of New Hanover County. Police Chief Cooper's wife, Patti Cooper, recognized Sheriff Sid Causey's wife, India Causey, for the immeasurable strength and support she provided to her husband.

PRESENTATIONS TO COUNCIL

- × Kristen Rose, Cape Fear Arch Conservation Collaboration
Mayor Montgomery clarified that if the Town wishes to join the collaboration they can submit an application. Kristen clarified that there is no cost for the Town to join this collaboration and the next collaboration meeting is scheduled for August 18th at Moore's Creek Battlefield.

- × Michael Fuller, Sunny Point, Update on Prescribed Fires, 4-Poster Deer Treatment and Public Game Lands Program

Prescribed fires - Michael presented slides pointing out the fire wall that separates the Town from Sunny Point. They are working on clearing debris and overgrowth from this fire wall to provide a defined barrier in the event of a fire.

4-Poster Deer Treatment - This system will ultimately lower the tick population for the entire island.

MOTSU Buffer Zone Gameland - This land covers approximately 723 acres. The North Carolina Wildlife Resources Commission (WRC) will meet for the approval process in spring of 2010. The desired outcome would be MOTSU Buffer Game Land become a reality during the fall of 2010. There will be a total of nine public hearings, one in each district. New Hanover County falls in District 2. The public hearing for this district will take place in January 2010.

This is considered to be a long term project. Early September through January 1st is the archery season. The hunt would be open to any archery hunter with a NC hunting license. No ATV's or firearms will be allowed on the Public Game Land.

PERSONS TO ADDRESS COUNCIL

(3 minutes- please sign with the Clerk before the meeting)

- × Resident Judy Larrick spoke on the deer population and against the deer hunt. She recommends Council consider a population study before proceeding with the Public Game Lands.
- × Building Inspector Batson gave an update on Atlantic Avenue. He expects to do the final walkthrough on Monday, July 27, 2009 and take possession of the boardwalk at that time.
Mayor Montgomery recommended scheduling a grand opening for the boardwalk once the Town has possession.
Commissioner Vattr questioned railing and lighting for the boardwalk. Building Inspector Batson clarified that it was the consensus of Council to not move forward with railing at this time. It was also determined that the lighting from the streetlights was deemed to be sufficient.

APPROVAL OF CONSENT AGENDA

1. Building Department report: June 2009
2. Finance report: June 2009
3. Fire Department report: June 2009
4. Police Department report: June 2009
5. Accept appointment of Charlotte Philemon to the Community Center Committee
6. Meeting Minutes
 - × 05/18/2009 Special (Prelim Budget)
 - × 05/19/09 Regular
 - × 05/28/09 Recessed from 5/19/09
 - × 06/16/09 Public Hearing (Sign Ordinance)
 - × 06/16/09 Public Hearing (Budget)

- × 06/16/09 Regular
- × 06/29/09 Special (Budget Ordinance Approval)
- × 07/14/09 Workshop (Beautification/Council)

ACTION - Commissioner Lambeth MADE THE MOTION to approve the consent agenda. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

Mayor Montgomery requested the addition of Item #8 under New Business:
NC Aquarium at Fort Fisher Trick or Treat Under the Sea Contribution

Commissioner Lambeth requested the addition of Item #3 under Old Business:
Ad Valorem Tax Collection

Mayor Pro Tem Dugan requested the addition of Item #9 under New Business:
Customer Relations

ACTION - Commissioner Nelder MADE THE MOTION to adopt the amended agenda. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

OLD BUSINESS

1. Economic Development Study Committee Update (Vatrt)

The NC State School of Design is in the process of putting together a design that the committee will review. The committee will then give feedback and suggestions for the school to work with.

CONSENSUS - The SLAP Committee will participate in the August 3, 2009 Economic Development Study Committee meeting. Mayor Montgomery directed Tony Gonsalves to contact Bill McDow, WMPO Parking Study Engineer, to attend the meeting with him.

2. Discussion and consideration of guidelines for contributions to a non-profit organization (Lambeth)

ACTION - Commissioner Lambeth MADE THE MOTION to adopt the proposed outside agency (non-profit) application. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Pro Tem Dugan questioned what would the Town do if an agency is not a non-profit organization, for example the North Carolina Aquarium at Fort Fisher. Commissioner Lambeth explained that they would have to provide a list of the services they would be providing to the Town.

3. Ad Valorem Tax Collection (Lambeth)

Commissioner Lambeth read an email from New Hanover County in regards to tax collection in Kure Beach.

NEW BUSINESS

Commissioner Nelder requested adding to the August agenda Beautification Planting Plan.

1. Recommendation from P&Z to amend the following section to the Code of Ordinances: (Batson)

- × Chapter 12 PARKS AND RECREATION, ARTICLE II. RECREATION, DIVISION 2. BEACH, Sec. 12-45. Temporary Structures.

Building Inspector Batson explained this ordinance is a result of temporary structures (tents) being erected that abut the dunes.

Commissioner Vatrtr recommended adding language that addresses the dune vegetation should be returned to its original state.

Commissioner Lambeth recommended adding language stating the business should have a business license and proof of liability insurance.

Building Inspector Batson clarified the amendments to this ordinance.

- × After the second paragraph add the following wording: ***Tent companies must procure a privilege license and provide proof of liability insurance.***
- × Add the following wording to the first sentence in the third paragraph to read: If tent is erected upon oceanfront dune, restoration of dune vegetation and sand must be performed ***to the state it was prior to the tent erection.***

ACTION - Commissioner Lambeth MADE THE MOTION to adopt ordinance Sec. 12-45. Temporary Structures as amended. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Ordinance Amendments (Canoutas)

- a) Chapter 3 ALCOHOLIC BEVERAGES, Sec. 3-1. Drinking malt beverages and unfortified wine on public streets.

ACTION - Commissioner Vatrtr MADE THE MOTION to adopt the amendment to ordinance Sec. 3-1. Drinking malt beverages and unfortified wine on public streets. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- b) Chapter 12 PARKS AND RECREATION, ARTICLE II. RECREATION, DIVISION 2. BEACH, Sec. 12-35. Litter, ~~dogs~~, glass and alcoholic beverages prohibited on beach.

ACTION - Commissioner Nelder MADE THE MOTION to adopt the amendments to Sec. 12-35. Litter, ~~dogs~~, glass and alcoholic beverages prohibited on beach. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- c) Chapter 12 PARKS AND RECREATION, ARTICLE II. RECREATION, DIVISION 2. BEACH, Sec. 12-39. Disregarding public access to and from beach; penalty.

ACTION – Commissioner Vatrtr MADE THE MOTION to adopt the amendments to Sec. 12-39. Disregarding public access to and from beach; penalty. with the addition of raising the penalty from \$25.00 to \$100.00. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- d) Chapter 12 PARKS AND RECREATION, ARTICLE II. RECREATION, DIVISION 2. BEACH, Sec. 12-42. Restoration of Beach. (* See below)

ACTION – Commissioner Vatrtr MADE THE MOTION to adopt Sec. 12-42. Restoration of Beach. with the amendment of raising the penalty from \$50.00 to \$100.00. Mayor Pro Tem Dugan seconded the motion. THE MOTION PASSED FOUR TO ONE. Mayor Montgomery voted no.

* To correct an error, Section 12-42 referenced above will actually be added as Section 12-46 in the Code of Ordinances.

3. Discussion and consideration of committee mission statements (Clerk)

CONSENSUS to adopt Parks & Recreation mission statement from the website.
CONSENSUS to accept Version 3 of Street Festival Committee mission statements.

ACTION – Commissioner Lambeth MADE THE MOTION to adopt the mission statements as amended. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

The mission statements approved are incorporated by reference and made a part of these minutes.

4. Discussion and consideration of purchase order system for committees (James)

Administrator James recently distributed a draft copy of this information to committee chairs. The Stormwater Committee suggested adding a fourth bullet under purchasing functions which will read as follows: To ensure no contracts with vendors or potential contracts are secured by committees prior to purchase orders being requested and/or approved

Administrator James explained that after receiving the request form, the Town finance department will issue a PO number for this request and contact the business with the PO number.

Committee member Sandy Cox questioned the process of reimbursements. Administrator James suggested being issued a Town credit card for events that require extensive purchases.

ACTION - Commissioner Vattr MADE THE MOTION to enact a revised purchase order system with the recommended amendment from the Stormwater Committee. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. 2:11:42

5. Discussion of Ocean Front Park - Financial status and marketing actions regarding acquisition and development (Vattr) 2:13

CONSENSUS - Mayor Montgomery and Administrator James to develop a marketing action plan to be ready for the August meeting.

Commissioner Vattr recommends developing a formal commitment from Council to have a team going after solar/wind energy sources for the Town and/or Ocean Front Park.

CONSENSUS - Mayor Pro Tem Dugan is to explore solar/wind energy sources for the Town and/or Ocean Front Park with the information provided from the Energy Summit attended by the Town Administrator, and return to Council in August with recommendations.

6. Discussion and consideration of parking issues at Ocean Front Park (Nelder)

Commissioner Nelder suggests addressing the issues of parking in front of the Park before progressing with plans.

Commissioner Vattr recommended Commissioner Nelder attend the Economic Development Study Committee meeting on August 3rd. The SLAP committee will be in attendance at this meeting and will be addressing this issue.

7. Discussion and consideration of committee and citizen requests

- a) Tree city application (Beautification)

Administrator James has been working with Bob Falco to look into the necessary steps to move the Town towards becoming a Tree City. She questioned if the Council wants staff to move forward with the processes.

Mayor Pro Dugan questioned what benefit does this provide to the Town?

Administrator James clarified that this information is in the agenda packets.

Mayor Pro Tem Dugan questioned what is the difference between being a tree city and having a tree ordinance?

Administrator James stated there is a recognition that comes with being a Tree City and funding options to maintain the program. She pointed out that the designation process is not on a timeframe but the grant is.

ACTION - Commissioner Nelder MADE THE MOTION to approve beginning exploratory work towards becoming a tree city between staff and the Beautification Committee. Commissioner Vattr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

b) Debt services schedule

Administrator James had a recent request from a resident to change the debt service spreadsheet. This spreadsheet is a document used only for internal purposes.

Mayor Montgomery explained that every document should be considered a public record; however, he does not agree with tailoring an existing document to meet the needs of one particular citizen.

CONSENSUS - Council agreed that Town records considered "public" should be produced for public inspection at the earliest possible convenience; however, that does not mean that staff is expected to tailor an existing document to meet the needs of one particular citizen.

Mayor Montgomery clarified that "every document we (the Town) produce is available to the general public." He explained that the staff will sit down and explain to the public how to read the documents if they do not understand them.

Mayor Montgomery expressed that due to the upcoming election he should address some issues dealing with staff involvement. He state that staff should not get involved, at all, in the electoral process and should not be asked by any candidate to provide information to them that is not available to anyone else, such as re-formatting existing documents.

Administrator James stated that at this weeks Department Head meeting the upcoming election was a topic of discussion. She explained that this election did not begin on July 17th (the cutoff for candidate filing), it started a long time ago. There has already been an environment that created distractions and disruptions for Town employees. She emphasized that Town employees are in agreement to remain neutral throughout the election process. She also mentioned that recently in a meeting with Town Hall staff, she discussed the following information:

- × The importance of remaining neutral.
 - × To produce any requested public documents and if it is unclear whether the document is open for public viewing, ask either herself or the Clerk for assistance.
 - × If a candidate and/or request make the staff uncomfortable, if it is a distraction or if it will create a disharmony in your working environment, send the candidate and/or request to the Town Administrator for further assistance.
- "The last thing that we want to do is be involved or to be perceived as having taken a side. We want to remain neutral."

8. NC Aquarium at Fort Fisher Trick or Treat Under the Sea Contribution

ACTION - Commissioner Vatr MADE THE MOTION to make contribution of \$150.00 to the NC Aquarium for the Trick or Treat Under the Sea. Commissioner Nelder seconded the motion. THE MOTION PASSED WITH A VOTE OF THREE TO TWO. Mayor Montgomery and Mayor Pro Tem Dugan voted no.

Mayor Montgomery suggested in the future sending this request to the Marketing Committee to be taken out of their budget (ROT).

9. Customer Relations (Dugan) 2:57

Mayor Pro Tem Dugan would like to get with Attorney Canoutas to get a written explanation/policy amendment of how we would like our staff to interact with the public. This policy would exclude the police department due to them having their own procedures.

Commissioner Nelder mentioned that the Council of Governments has several courses that address this issue.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION for Mayor Pro Tem Dugan to work with Attorney Canoutas to develop rules and procedures for dealing with confrontation. Commissioner Vattr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - Town Administrator to contact the COG, League of Municipalities and School of Government regarding ethics procedures and/or classes to address this issue.

Mayor Pro Tem Dugan stated the following would be the desired outcome of the new rules and procedures:

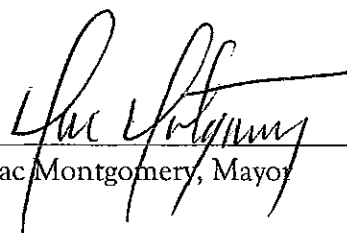
Things expected of the employee when servicing the customer.

What we expect the employee to be able to do when they are confronted.

EXECUTIVE SESSION (If necessary)

ADJOURNMENT

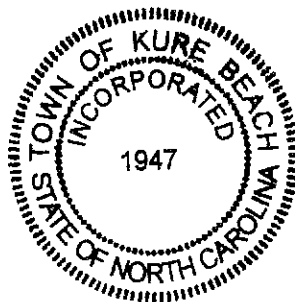
ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 9:56 pm. Commissioner Vattr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Mac Montgomery, Mayor



Kaysie Pralle, Town Clerk

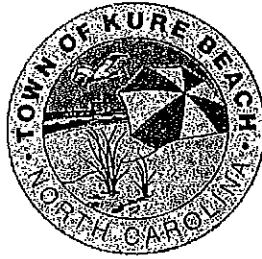


NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.

ITEMS
INCORPORATED BY REFERENCE
AND MADE A PART OF THESE
MINUTES

OR

SIGNED AND SEALED
ORDINANCE
RESOLUTION
PROCLAMATION
CONTRACT



TOWN OF KURE BEACH

*R*ESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH

WHEREAS, Sheriff Sid Causey has served the people of New Hanover County for thirty nine years with nothing less than honor and the upmost integrity; and

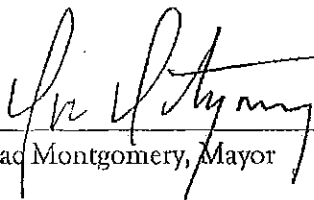
WHEREAS, Sherriff Sid Causey has consistently demonstrated his willingness to generously support the Kure Beach Police and the Town of Kure Beach with no limitations or expectations of anything in return; and

WHEREAS, Sheriff Sid Causey has consistently displayed passion and unrelenting tenacity to rid our community of illegal drug activity; and

WHEREAS, Sheriff Sid Causey will be respected and honored by the citizens of Kure Beach for a lifetime of service.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH, that the Council, Police Department and the citizens of the Town wish you well in all your endeavors and you carry our thanks for your generosity and friendship always.

Adopted this the 21st day of July, 2009, at Kure Beach, North Carolina.

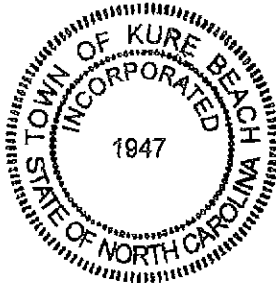


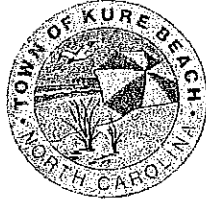
Mac Montgomery, Mayor

ATTEST:



Kaysie Pralle, Town Clerk





That Section 3-1 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

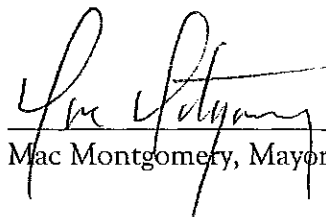
Sec. 3-1. Drinking malt beverages and unfortified wine on public streets.

- (a) It shall be unlawful for any person to consume or drink any malt beverages or unfortified wine on the public streets in the Town of Kure Beach by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by the Town of Kure Beach.
- (b) It shall be unlawful for any person to possess an open container of malt beverage and unfortified wine on the public streets in Kure Beach by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by Kure Beach.
- (c) It shall be unlawful for any person to possess malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events unless specifically authorized by the town council of the Town of Kure Beach and the North Carolina State Board of Alcohol Control Regulations when applicable.

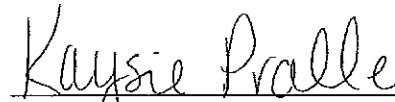
For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC Law.

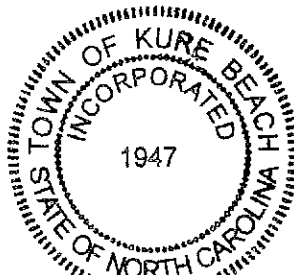
Any person who shall violate this section shall be punished as provided in G.S. § 18B-300.

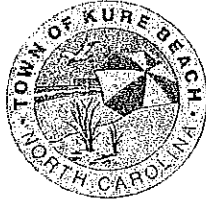
Adopted this the 21st day of July, 2009.


Mac Montgomery, Mayor

ATTEST:


Kaysie Pralle, Town Clerk





That Section 12-35 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 12-35. Litter, glass and alcoholic beverages prohibited on beach.

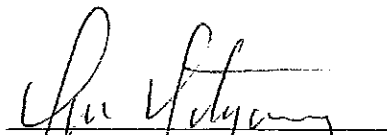
(a) It shall be unlawful for any person to litter by throwing, placing or leaving, or causing to be placed or left temporarily or permanently, any trash, refuse, garbage, paper or cups on the beach strand within the municipal limits located east of Atlantic Avenue from the north and running with the banks thereof to the south of the town limits, except and unless such trash, refuse, garbage, paper or cups is placed in a designated location or container for removal by a specific garbage or trash service collector.

(c) It shall be unlawful for any person to carry upon the beach strand any glass containers used for refreshment purposes.

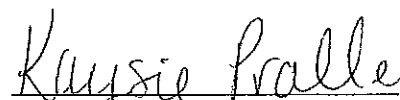
(d) It shall be unlawful for any person to consume any type of alcoholic beverage upon the beach strand designated hereinabove.

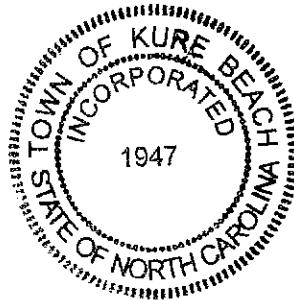
(e) Penalty. Any person violating the provisions of this section shall be subject to a twenty-five dollar (\$25.00) infraction for the first offense; second offense shall subject the offender to a misdemeanor charge as by law prescribed.

Adopted this the 21st day of July, 2009.


Mac Montgomery, Mayor

ATTEST:


Kaysie Pralle, Town Clerk






That Section 12-39 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 12-39. Disregarding public access to and from beach; penalty.

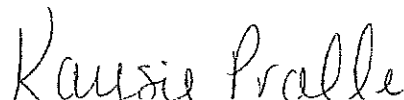
Any person who shall be found upon the berm/dune of the town who is not upon an existing public access point on established or approved walk over, trampling or destroying the vegetation thereon, shall be subject to a civil citation in the amount of one hundred dollars (\$100.00) for the first offense; second offense, shall subject the offender to a trespassing charge as by law prescribed.

Adopted this the 21st day of July, 2009.

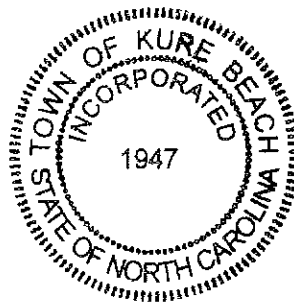


Mac Montgomery, Mayor

ATTEST:



Kaysie Pralle, Town Clerk





That the Code of the Town of Kure Beach, North Carolina, is hereby amended by adding Section 12-45 which shall read as follows:

Sec. 12-45. Temporary Structures.

Tents, canopies and other membrane structures having an area in excess of 200 square feet shall not be erected, operated, or maintained for any purpose on public or private property without first obtaining a permit from the Building Inspector, New Hanover County Fire Inspector, and, if applicable, the CAMA Officer.

Tents will only be allowed to be erected for a maximum of 3 days.

Tent companies must procure a privilege license and provide proof of liability insurance.

If tent is erected upon oceanfront dune, restoration of dune vegetation and sand must be performed to the state it was prior to the tent erection. If Permittee fails to restore dune vegetation and sand to the satisfaction of the Building Inspector, the Town will perform restoration and bill Permittee to full costs thereof. Erection atop dunes is prohibited.

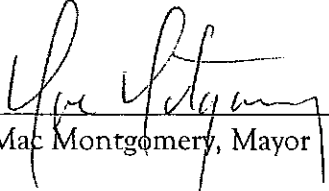
All Oceanfront uses of tents must be barricaded to prevent foot traffic outside pathway to and perimeter of the tent.

Tents are expressly prohibited east of the Army Corps of Engineer's Beach Renourishment Line.

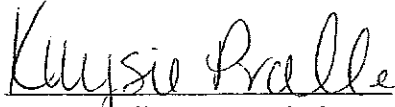
Placement of tent must be approved by the Building Inspector.

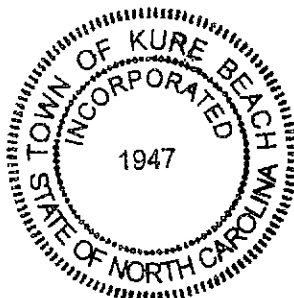
If Application is submitted to the Building Inspector for review 7 days prior to the event, the permit fee shall be \$250.00. Any Application submitted to the Building Inspector less than 7 days prior to the event, the permit fee shall be \$500.00.

Adopted this the 21st day of July, 2009.


Mac Montgomery, Mayor

ATTEST:


Kaysie Pralle, Town Clerk





That the Code of the Town of Kure Beach, North Carolina, is hereby amended by adding a Section 12-46 which shall read as follows:

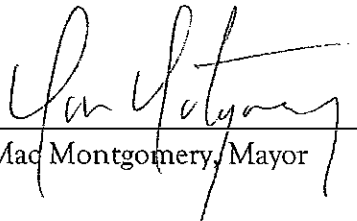
Sec. 12-46. Restoration of beach.

When any part of the beach strand shall be disturbed, dug up or taken up for any purpose, the person doing the same shall immediately upon the completion of such purpose, and as fast as practical during the accomplishment thereof, return the beach sand to the condition which existed prior to the excavation.

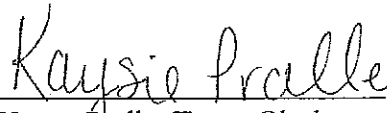
Any person violating this section shall be subject to a civil penalty in the amount of one hundred (\$100.00) dollars.

Adopted this the 21st day of July, 2009.

Secs. 12-47–12-49. Reserved.


Mac Montgomery, Mayor

ATTEST:


Kaysie Pralle, Town Clerk

