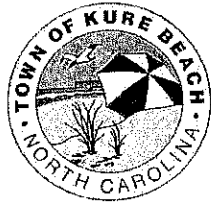


MINUTES



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 Varrt, Commissioner

Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING

SEPTEMBER 15, 2009 6:30 P.M.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

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

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

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

☞ Certificate of Appreciation from US Army Freedom Team Salute recognizing the Town of Kure Beach and Mayor Montgomery for outstanding contributions to the US Army

Deputy District Commander Lt. Colonel Arnie Sulit from the Wilmington District U.S. Army Corps of Engineers to presented the Town and Mayor Montgomery with the certificate of appreciation.

PRESENTATIONS TO COUNCIL

☞ Update from Emilie Swearingen, Hall of Fame Committee

Emilie reminded Council of their recommendation to have a local student involved in the project. Julia Overton is a senior at Ashley High School. She and the committee are looking for a concept. Ken Withrow agreed to be the liaison for the project. James

McAdams, AHS Principal and Angela Hewitt, AHS art teacher were also present at the meeting. Mayor Montgomery would like to get a date and time to meet within the next ten days. Clerk to coordinate the meeting.

PERSONS TO ADDRESS COUNCIL

(3 minutes - Please sign in with the Clerk before the meeting)

Eric Vann – Requested Council consider of a different form of government; one that is of the people, by the people and for the people.

APPROVAL OF CONSENT AGENDA

1. Building Department report: August 2009
2. Finance report: July/August 2009
3. Fire Department report: August 2009
4. Police Department report: August 2009
5. Finance Internal Control Policy
6. Proclamation P09-07 NC DOT proclaiming September 19th - October 3rd Fall Litter Sweep time in Kure Beach
7. Proclamation P09-06 Stamp Defiance Chapter, Daughters of the American Revolution proclaiming September 17th - 23rd to be Constitution Week
8. Meeting Minutes
 œ 8/18/2009 Regular

ACTION - Commissioner Vatrt MADE THE MOTION to adopt the consent agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

Add as Item #6 under Old Business the discussion and consideration of rescheduling the Council Training Workshop with John Stephens from the School of Government.

Add as Item #4 under New Business the Discussion and consideration of Wilmington Metropolitan Planning Organization's (MPO) priority highway projects.

Add an executive session with Council and the Attorney only to discuss the grievance procedure and the possibility of a public hearing for former Town employee Nancy Hewitt.

Add as Item #5 under New Business the discussion of Political Signs.

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

OLD BUSINESS

1. Discussion and consideration of a development schedule for Ocean Front Park (Montgomery)

Mayor Montgomery announced that yesterday the Town received a check from the Division of Coastal Management for \$600,000. This money is the payment from a grant that was approved for the Town. The funding will go towards the acquisition cost for the Ocean Front Park.

The Town was also approved by PARTF for a \$456,000 grant towards Park development.

The CWMTF released the funding for a clean water grant in the amount of \$204,000 that was previously awarded to the Town.

The Town is still waiting on another \$200,000 from the Division of Coastal Management.

The Town has approximately \$860,000 in pledges and/or grants to develop the Park. There are two remaining grants that the Town has applied for and are awaiting a response. One is the WAMI grant for \$1 million dollars. The other is a \$750,000 federal appropriation still pending in the Senate.

Commissioner Nelder mentioned the architectural firm hired to develop the Park.

Mayor Montgomery said that the Town paid the firm for the plans. Once the Town receives the grant funding, the grantors will pay as the project proceeds.

Mayor Pro Tem Dugan reminded Council that the original plan was to have the land paid for before proceeding with the development. He would like to continue along that path.

Commissioner Nelder questioned if the \$860,000.00 had a time limit.

Mayor Montgomery said once the award letter is mailed, there should be an 18-24 month time frame to complete the project.

2. Discussion and Consideration of Marketing Brochure for Ocean Front Park (James and Montgomery)

Administrator James reminded Council that at a previous meeting the subject of pursuing contributions for the Park was discussed.

She distributed a draft copy of a Park marketing brochure to Council. Administrator James explained that she is not looking for a decision from Council tonight, but she is asking Council to consider the amounts and types of contributions.

Mayor Montgomery questioned if it was possible to get this information to the public for input. Administrator James explained that when looking at other agencies, \$50 is the starting amount.

Commissioner Lambeth recommended letting the Ocean Front Park Committee review this information first before adding it to the website or list serv.

The draft brochure is incorporated by reference and made a part of these minutes.

3. Discussion and Consideration of continued projects on Atlantic Avenue if necessary (from Workshop prior to Council Meeting)

Mayor Montgomery referenced the special meeting that took place prior to this meeting with the Beautification and SLAP Committees. The first item Council agreed

to was to have the Beautification Committee work with the NC Cooperative Extension to develop a landscaping plan for Atlantic Ave not to exceed 20,000.00.

ACTION - Commissioner Nelder MADE THE MOTION to approve the Beautification Committee design a landscape project for Atlantic Avenue not to exceed \$20,000. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

The Beautification Committee is to prepare a sign plan to bring back to Council with estimates at the October meeting.

SLAP to prepare plans in conjunction with the staff to refurbish four crossovers, one emergency ramp and two ADA platforms between L Avenue and M Avenue. The committee is to return to Council with cost estimates.

At the August Council meeting the decision was made to dedicate the boardwalk to Former Commissioner Bill Ufferman. The Town has a dedication plaque for Ufferman.

The Council is tentatively scheduling the dedication for 5:30 pm on Thursday, November 5. The Town Administrator and Clerk are to contact Carol Ufferman to coordinate a time.

4. Golf Carts - Attorney Canoutas

Attorney Canoutas explained that about a week ago he met with Mayor Pro Tem Dugan, Administrator James, Chief Cooper and the Attorney for the NC League of Municipalities.

The NC Court of Appeals has the case from Bald Head Island. He expects that there will be some sort of required criteria for golf carts. Everyone was in agreement to put this issue on hold pending the outcome of this case. (57:00)

5. Economic Development Study Committee Update - Vatrt

Commissioner Vatrt informed Council that on October 30th the NC State School of Design will have the final economic development design ready. He is requesting to schedule a public workshop either here or at the Community Center where each student could present their design concept. At that time Council may decide how they would like to proceed.

CONSENSUS - Council scheduled a workshop on Friday, October 30 at 4:00 pm to hear the final presentation by NC State School of Design.

6. Discussion and consideration of rescheduling the Council Training Workshop with John Stephens from the School of Government (Montgomery)

John Stephens would like to know if Council would like to continue with the meeting or postpone the meeting until after the election. He stated that the workshop would focus on the roles of the Council and the Council candidates.

Commissioner Nelder, Commissioner Vatrt and Mayor Pro Tem Dugan recommended postponing the workshop until after the election.

Commissioner Lambeth prefers to cancel the workshop all together.
CONSENSUS - Mayor Montgomery will contact Johns Stephens to inform him that the meeting will be postponed until after the November election. At that time, the elected officials can determine how they would like to proceed.

NEW BUSINESS

1. Ordinance Amendment (Canoutas)

Chapter 12 PARKS AND RECREATION, ARTICLE III. KURE BEACH COMMUNITY CENTER, Secs. 12-50 through 12-61.

The following are the recommended amendments:

Sec. 12-50. Community center committee.

The community center committee shall consist of ~~nine (9)~~ eleven (11) members of the community at large all of whom shall be permanent residents of Kure Beach.

Sec. 12-51. Terms, removal and filling of vacancies.

(a) ~~Members shall be appointed having staggered terms of two (2) years each.~~

Each member of the community center committee shall be appointed by the board of commissioners for a three (3) year term. Approximately one-third (1/3) of the terms shall expire each year.

(d) Faithful attendance at meetings of the committee is considered a pre-requisite for the maintenance of membership on the committee. The ~~nine (9)~~ eleven (11) committee members shall have equal voting powers on all matters which come before the committee.

Sec. 12-52. Organization, meetings and quorum.

(c) There shall be a quorum of ~~five (5)~~ six (6) members for the purpose of taking any official action.

Sec. 12-58. Hours of use and quiet enjoyment.

The community center may not be rented or used for any purpose extending beyond ~~12:00 p.m.~~ midnight, nor may it be used at any time in such a way as to disturb the quiet enjoyment of the adjoining premises.

ACTION - Commissioner Vatrt MADE THE MOTION to approve the amendments as recommended. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Beach Re-Nourishment Update (Vatrt)

- Modified Project Scope

Commissioner Vatrt informed Council that the Town is not getting additional sand. Wrightsville Beach, Carolina Beach and Kure beach will get 100% of the original renourishment amount.

- Support from coastal communities for future beach re-nourishment funding

Tim Owens, Carolina Beach Town Manager, and Commissioner Vattrt are petitioning a letter to the Federal Government, the State or the NC Water Resources Congress and ask for a mid-cycle beach re-nourishment. They will question if there is a way to supplement the Federal Governments budget for sand re-nourishment in the future? ROT funds have grown to over \$30 million dollars. We are looking to spend \$10.4 million now and approximately four years from now roughly the same amount. At 3:00 pm on September 22, 2009 at Carolina Beach Town Hall, Pleasure Island is forming a committee to work with the State and Federal Government through the NC Water Congress to develop a way to help supplement the re-nourishment budgets. Commissioner Lambeth reminded everyone that the original plan was to build the fund to \$50 million dollars and supply re-nourishment from the interest being earned. Since that time the interest rates have plummeted.

3. Records/Research requests (Dugan)

Mayor Pro Tem Dugan said Council and citizens have access to all records in the Town, with the exception of items deemed confidential by the Attorney. Council alone cannot deem a request confidential. The Clerk would receive the request and fulfill it within a reasonable timeframe. Any time there is a request, unless it is made by the majority of Council, Council cannot expect her to drop everything she is doing to handle this request.

4. Discussion and consideration of Wilmington Metropolitan Planning Organization's (MPO) priority highway projects (Montgomery)

Mayor Montgomery said all Council was provided a handout from the MPO listing the Top 25 Highway Projects.

Mayor Pro Tem Dugan informed everyone that the Regional MPO is made up of the three surrounding counties. There is a timeframe that will end October 31. The one that is local is the widening of Dow Road. The projects on this list are not ranked according to priority.

Each attendee was asked to return to their Council and see if there were any requested changes to the list.

Mayor Montgomery requested Council respond on this topic so he can relay the information to the MPO.

This handout is incorporated by reference and made a part of these minutes.

5. Discussion and consideration of Political Signs (Canoutas)

Attorney Canoutas said he notified Code Enforcement Officer Batson that the only thing wrong with our Political Sign Ordinance was in regards to when you could begin posting the signs. He believes this does violate the First Amendment because this is a free speech item.

Mayor Montgomery requested Attorney Canoutas draft a change to the Ordinance for the October meeting.

Attorney Canoutas reminded Council that because this Section is in Chapter 19 of the Code, a Public Hearing will be necessary.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to schedule a Public Hearing on October 20, 2009 at 6:00 pm to consider a change to the sign ordinance to amend the time frame for posting Political Signs. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

EXECUTIVE SESSION

Mayor Montgomery said Council will go into Closed Session to discuss personnel issues.

ACTION - Commissioner Vatrtr MADE THE MOTION to go into Closed Session to discuss a personnel issue. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Nelder questioned what Council was going into Closed Session to accomplish.

Mayor Montgomery said there is information that must be presented to Council and Council must decide whether or not to grant an appeal to a former employee. Council will discuss the request but any votes will be taken in public session.

ACTION - Commissioner Vatrtr MADE THE MOTION to return to open session. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Montgomery said the purpose of the Closed Session was to discuss an appeal request from a former employee.

ACTION - Commissioner Nelder MADE THE MOTION to grant a public hearing for the employee at the employee's request. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

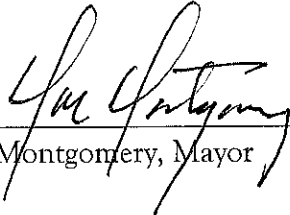
Mayor Montgomery announced Council will not be overseeing the appeal. A disinterested third party will conduct the hearing. Attorney Canoutas will submit a list of possible hearing officers to Council. The findings of the hearing officer are not binding.

ACTION - Commissioner Nelder MADE THE MOTION to hold the hearing as a quasi judicial hearing where parties are sworn in. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

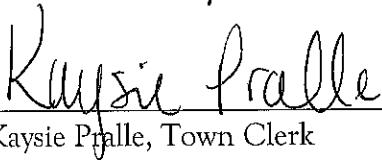
Attorney Canoutas will communicate with all parties involved.

ADJOURNMENT

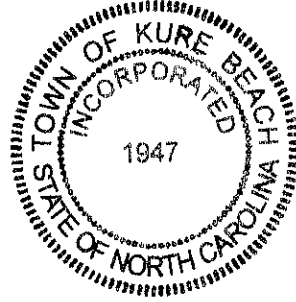
ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 9:06 pm. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Mac Montgomery, Mayor



Kaysie Pralle, Town Clerk

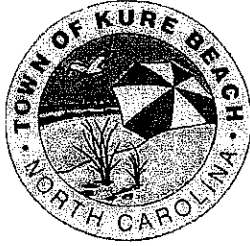


NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.

ITEMS
INCORPORATED BY REFERENCE
AND MADE A PART OF THESE
MINUTES

OR

SIGNED AND SEALED
ORDINANCE
RESOLUTION
PROCLAMATION
CONTRACT



PROCLAMATION

“CONSTITUTION WEEK” 2009

WHEREAS, September 17, 2009 marks the two hundred and twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

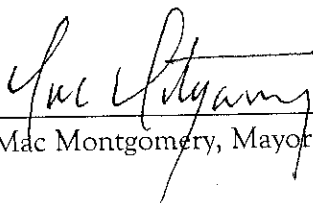
WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

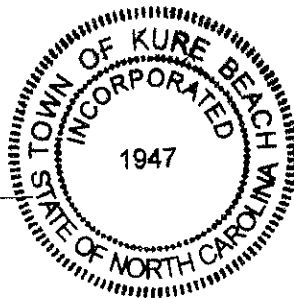
NOW, THEREFORE, I, Mac Montgomery, Mayor of the Town of Kure Beach do hereby proclaim September 17 through 23, 2009 to be

CONSTITUTION WEEK

In the Town of Kure Beach, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Kure Beach, North Carolina on this fifteenth day of September in the year of our Lord two thousand nine and of the Independence of the United States of America the two hundred and thirty third.


Mac Montgomery, Mayor




Kaysie Pralle, Town Clerk



PROCLAMATION

FALL LITTER SWEEP 2009

WHEREAS, the North Carolina Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the spring 2009 LITTER SWEEP roadside cleanup will take place September 19 - October 3, 2009, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

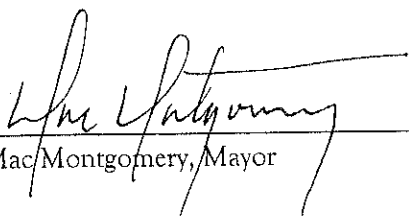
WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

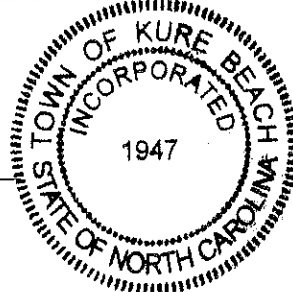
WHEREAS, the spring 2009 LITTER SWEEP cleanup will celebrate the 21st anniversary of the North Carolina Adopt-A-Highway program and its 5,750 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, MAC MONTGOMERY, Mayor of the Town of Kure Beach, North Carolina, do hereby proclaim September 19- October 3, 2009, as "LITTER SWEEP" time in Kure Beach and encourage all citizens to take an active role in making their communities cleaner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Town of Kure Beach, North Carolina this twenty-first day of April in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.


Mac Montgomery, Mayor




Kaysie Pralle, Town Clerk

Draft

**Kure Beach
Town Council**

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

Chief of Police
Dennis Cooper

Fire Chief
Harold Heglar

Public Works Director
Sonny Beeker

**Zoning Administrator
& Code Enforcement Officer**
John Batson

Town Administrator
Michelle James

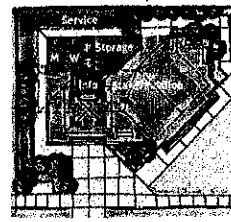
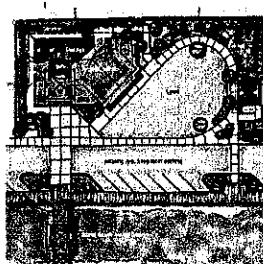
Town Clerk
Kaysie Pralle



Phone 910.458.8216
Fax 910.458.7421
www.townofkurebeach.org

*The Ocean Front Park
at Kure Beach, North Carolina*

WITHERS & RAVENEL
Kure Beach Pavilion
Option #1 Pavilion & Park
sft+a



Rendered Site Plan

Corner Stage

The Ocean Front Park at Kure Beach is uniquely located on Pleasure Island in North Carolina. It offers a pavilion for outdoor concerts, open-air markets, a Tot Lot for younger children to play, public restrooms, and direct access to the beach for kayakers, surfers, fishermen and other beach-goers.

A unique destination on the Atlantic Ocean, the Ocean Front Park is designated by the State of North Carolina for recreational preservation and conservation.

Contributions to dedicate swings, pavers, the tot lot, the beach access and the pavilion in the park benefit the operation and maintenance of the public destination.

*Ocean Front Park at
Kure Beach, North Carolina*

Total Project Cost

\$5.2 million

Total Pledged to Capital Campaign

\$3,348,000

Current Campaign Partners

NC Natural Heritage Trust Fund

NC Clean Water Management Trust Fund

NC Division of Coastal Management

New Hanover County

NC Parks & Recreation Trust Fund

NC Division of Water Resources

Federal Government

*The Town invites you to become a
partner in its Capital Campaign. Join
us by pledging your financial support
to the Ocean Front Park at Kure
Beach, North Carolina*

Nameplates for Friends of the Park

\$50

Atlantic Avenue Pavers

\$100

Ocean Front Park Swings

\$1000

*Memory Stones on the
Educational Walkway*

\$250

Naming of Pavilion

\$500,000

Naming of Tot Lot

\$200,000

Naming of Beach Crossover

\$200,000

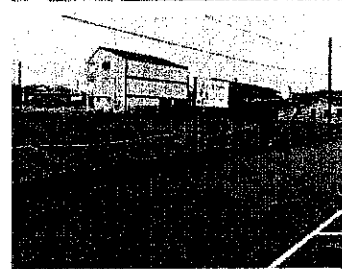
Site of the Former Rolling Surf Motel



**Demolition
of the
Rolling
Surf Motel**



**Current
Location of
the Ocean
Front Park**



**South View of the Atlantic Ocean
from the Ocean Front Park**



**North View of the Atlantic Ocean
from the Ocean Front Park**

*The Prioritized List of Top 25 Highway Projects
for the Wilmington Metropolitan Planning Area
Boundary (2009)*



Wilmington Urban Area Metropolitan Planning
Organization

Adopted _____

Top 25 Highway Projects

Project by Rank	Project Description
1. Wilmington Bypass (R-2633 B)	Construct a new interstate route between US 74/74 to US 421
2. Independence Boulevard	Construct a new route from Randall Parkway to the Martin Luther King, Jr. Parkway
3. Military Cutoff Extension – Market Street to Martin Luther King, Jr. Parkway	Construct a new route from Market St/US 17 Business to I-40/US 17 Bypass
4. Cape Fear Skyway	Construct new interstate route and bridge between US 17 near Spring Hill in Brunswick County and Independence Boulevard /Carolina Beach Road in the City of Wilmington
5. Upgrade College Road from Gordon to Martin Luther King, Jr. Parkway (U-3831)	Upgrade College Road between Murrayville/Gordon Road and Martin Luther King, Jr. Parkway
6. Kerr Avenue interchange	Construct an interchange at Martin Luther King, Jr. Parkway
7. Market Street improvements – C-section:	Median improvements from Eastwood Road to Military Cutoff Road
8. Market Street improvements – B-section	Median improvements from Colonial Drive to Kerr Avenue
9. Market Street improvements – D-section	Median improvements from Military Cutoff Road to Porters Neck Road
10. Hampstead Bypass	Construct a new route from I-140/US 17 Bypass east to a point east of Hampstead – terminates at US Hwy 17 in Pender County
11. Northbound through lane on College to Shipyard	Construct a northbound through lane from Shipyard Boulevard to Wilshire Boulevard
12. Old Fayetteville Road	Construct an interchange at Old Fayetteville Road and US 74/76
13. Castle Hayne Roundabout	Construct a roundabout at US 117 and NC 133
14. Castle Hayne Road/NC 133 Widening	Widen from the Martin Luther King, Jr. Parkway to I-140
15. Gordon Road widening (U-3831)	Widen from College Rd/I-40 to Market Street

MUST BE
INTERCOMPUTED

MAY SWAP PRIORITIES

16. Village Road widening (Navassa Road to Lanvale Road)	<i>Widen from Navassa Road to Lanvale Road</i>
17. River Road Widening(NC 133)	<i>Widen from the Cape Fear Skyway to US 17/74/76</i>
18. Scientific Park Drive Extension	<i>Construct extension of Scientific Park Drive into Creekwood and closure of Komegay Drive</i>
19. Caroling Beach Road (US 421) Widening	<i>Widen from Sanders Road to College Rd/NC 132/Piner Road</i>
20. Masonboro Loop Road Connection	<i>Construct a new route from Carolina Beach Road to Piner Road</i>
21. Blue Clay Road Interchange	<i>Construct an interchange at the intersection of Blue Clay Road and the Wilmington Bypass</i>
22. River Road Relocation	<i>Relocate River Road south of Shipyard Boulevard</i>
23. North 23 rd Street Widening	<i>Widen from the Martin Luther King, Jr. Parkway to Castle Hayne Road/NC 133</i>
24. Plantation Road Improvements	<i>Construct a new route from Military Cutoff Road extension east to Market Street at Porters Neck Road</i>
25. Dow Road Widening	<i>Widen from Lake Park Boulevard/US 421 to K Avenue</i>