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 Vatrt, Commissioner

Michelle James, Town Administrator • Kaysie Pralle, Town Clerk

REGULAR MEETING OCTOBER 20, 2009 at 6:30 P.M.

COUNCIL MEMBERS PRESENT:

COUNCIL MEMBERS ABSENT:

Mayor

Mac Montgomery

None

Mayor Pro Tem

Jim Dugan

Commissioner

Dean Lambeth Barry Nelder

Commissioner Commissioner

Iim Vatrt

STAFF PRESENT:

Town Administrator

Michelle James

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.

CALL TO ORDER AND WELCOME

Mayor Montgomery called the meeting to order at 6:30 pm. Mayor Montgomery delivered the invocation and led in the pledge of allegiance.

RECOGNITION AND AWARDS

Recognition of Glen McIntosh, US Army Corps of Engineers
Mayor Montgomery expressed that beach re-nourishment in Kure Beach is greatly owed to Glen McIntosh, US Army Corps of Engineers. He is our project officer in Wilmington. The Town also recognized Gary Owen for his hard work and dedication to beach re-nourishment. Mayor Montgomery presented certificate of recognition to Glen McIntosh.

Mayor Montgomery noted "We need to continue to let the NC legislature know that we need legislative support for re-nourishment in Kure Beach."

PRESENTATIONS TO COUNCIL

Julia Overton, AHS – Presentation of draft sketch for Hall of Fame mural This item is tabled. A special meeting will be scheduled for the presentation.

* RAGS & Beautification Committee - Presentation of Uniform Signs

Ken Withrow, Beautification Committee Chair, introduced Ruth Arnold from Ruth Arnold Signs and Graphics (RAGS). She showed a sample with the Town Logo engraved into the post. The numbers are also engraved and color treated with oil so there is no maintenance.

Ruth presented handouts that are incorporated by reference and made a part of these minutes.

Commissioner Vatrt questioned how long the paint on the posts would last. Ruth said if the logo was facing South, 6-7 years and other directions, 8-9 years. The cost would be approximately \$7.00 per foot and approximately \$150.00 per post to put in the ground.

Ken said the committee is looking to standardize and consolidate all Town signs.

Mayor Montgomery questioned if they were looking to get this design approved. Ken answered yes.

Mayor Montgomery questioned if the Council would adopt this sample post as the standard model.

Commissioner Vatrt questioned if the signs would be wood or metal. Ruth stated that certain signs are required to be made of a certain materials, such as metal.

Mayor Pro Tem Dugan recommended having the Town's signs made the

ACTION - Commissioner Nelder MADE THE MOTION to adopt Beautification's recommendations from RAGS and the post as the standard for the Town of Kure Beach. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. 23:00

Ken stated the Arboretum is not a design company and will not develop a landscaping design concept for Atlantic Avenue. He is requesting Council direct he and the Beautification Committee on how to proceed.

Ken is recommending the committee re-approach RTM Landscaping to see if they will landscape the Atlantic Avenue walkway for the \$20,000.00 approved budget.

Mayor Montgomery stated the Council approved the budget amount for the committee and they have carried out the wishes of the Council. He questions what they are now asking of Council.

Ken expressed the committee wishes to re-approach RTM Landscaping to complete the work.

Mayor Montgomery noted that it is always a goal to approach a non-profit to save money; however, in this situation it did not work.

PERSONS TO ADDRESS COUNCIL

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

* Bob Fitzsimons, Disc Golf Update

Bob explained that the designer of the course, Russel Schwartz of New Hanover Golf took a tour of the future disc golf area. He noted that holes 7-11 need design work. Holes 1-6 and 12-18 are complete. He will be able to designate which trees are to be removed and underbrush is to come out. He estimates that the course will be complete before Christmas.

Commissioner Vatrt questioned when Council will see the designs. Bob noted that once the plans are complete, he will get them to Council. Sunny Point has already approved the course, but Commissioner Lambeth stated that as a courtesy we should send them the plans.

Commissioner Vatrt questioned who will cut the trees. Bob noted that it would be a combination of the Public Works Department and volunteers from New Hanover Golf.

Commissioner Lambeth pointed out that Public Works Director Beeker is planning on renting a bush hog to mulch some of the brush.

Mayor Montgomery recalled that at the August 18th meeting Council approved \$11,335.00 for the Disc Golf Course. At that meeting Commissioner Lambeth mentioned the idea of hole sponsors to offset the cost. Mayor Montgomery explained that a brochure was distributed requesting hole sponsors for the course. If there is going to be advertisements on the holes, we need to draft a letter to the MOTSU commander requesting permission to advertise.

Commissioner Lambeth suggested making up a mock sign, with the sponsorship on it, to show Council and MOTSU.

Bob noted the idea to solicit funds was simply to offset the cost of the course.

Mayor Montgomery would like to approve the flyer for solicitation. If the committee wants to pursue sponsorship, the Council will draft a letter to MOTSU.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to approve the flyer and fundraising/soliciting funds for the disc golf course. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Vatrt questioned how Bob came up with the figure for hole sponsorship.

Bob explained that it was a committee decision.

Mayor Montgomery will draft a letter to MOTSU and get with Bob for final approval.

* Tony Gonsalves, SLAP - Fire Dept./Police Dept. flagpole
Tony referenced the Workshop on May 5, 2009. The Wilmington MPO completed
their parking study. He noted that the MPO will make their presentation at the
November Council meeting.

Tony spoke with Fire Chief Heglar, Police Chief Cooper and Public Works Director Beeker about installing a flagpole by the Police and Fire Departments. The Public Works Director will install the pole. Chief Heglar and Chief Cooper thought the flagpole was a great idea. The pole cost is \$1,165.00.

Tony explained that he had spoken with Will Nabors from September Signs regarding portable signs. The cost for each 19mm, LED sign is \$13,315.05. The proposed location of the signs would be one on K Avenue and one on Alabama Ave.

Tony distributed a handout to Council which is incorporated by reference and made a part of these minutes.

Mayor Montgomery noted the total cost would be for \$36,548.91 and this would be a capital project that would have to be split between the departments that will use the signs.

Commissioner Nelder recommended SLAP get with the Planning & Zoning Commission on this. Commissioner Vatrt agreed with Commissioner Nelder's suggestion and recommended the Town Administrator research any grants that may be available.

Mayor Montgomery said this project falls under public safety which is in the hands of the Police Department.

Tony mentioned the 18"x15" parking sign, with arrows, which the MPO recommended.

Mayor Montgomery suggested Tony revisit this at the November Council meeting when the MPO makes their presentation.

APPROVAL OF CONSENT AGENDA

- 1. Building Department report: September 2009
- 2. Finance report: September 2009
- 3. Fire Department report: September 2009
- 4. Police Department report: September 2009
- 5. Accept resignation from Linda Cheshire, Board of Adjustments
- 6. Meeting Minutes
 - æ 9/15/2009 Regular
 - @ 9/15/2009 Special
 - α 9/15/2009 Closed

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

ADOPTION OF THE AGENDA

The Council scheduled a date and time for the Atlantic Avenue Walkway dedication to Bill Ufferman for Thursday, November 5, 2009 at 11:00 am. The Clerk will call Carol Ufferman to confirm the date and time and will send invitations for the event.

ACTION - Commissioner Vatrt MADE THE MOTION to adopt the agenda with the following amendments: The addition the following items under New Business:

Item #3 - Discussion of Supporting the Carolina Beach Pier

Item #4 - Cape Fear Arch

Item #5 - Employee Contracts

Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

OLD BUSINESS

1. <u>Discussion and Consideration of Political Sign Ordinance (Attorney</u> Canoutas)

Mayor Montgomery reminded everyone of the notice requirements for a public hearing amending Chapter 19 of the Code. The portion of the Code in discussion is Chapter 19 ZONING, ARTICLE VI. SIGNS, Sec. 19-373. Exceptions. Mayor Montgomery explained that the amendment would include removing the time limit on when political signs can be erected. The Town has no restriction on other temporary signs, such as real estate signs. The amendment would also change the size restriction from four feet to six feet.

Attorney Canoutas noted the Town will not enforce the current ordinance as it stands. The Building Inspector clarified that he is enforcing the portion of the ordinance prohibiting signs in the right of way.

Written public comment can be submitted to Town Hall up until October 29, 2009 at 5:00 pm. Council will discuss and consider the Ordinance amendment at the October 30th Special Meeting.

2. Economic Development Study Committee Update (Vatrt)

On October 30th at 4:00, the students from NC State will be presenting their concepts. Commissioner Vatrt is requesting that the students be able to fully present their ideas before receiving public comment.

Commissioner Lambeth questioned if this completes our contract with NC State. Commissioner Vatrt stated that it does and anything that they present will be the property of the Town.

The agenda for this meeting will be amended to have Council vote on Political Signs.

3. <u>Discussion and Consideration of adopting Debt Setoff Resolution (James)</u>
Administrator James noted the Debt Setoff program, if approved, will collect on the Town's debt that is more than 60 days old and totals \$50.00 or more. She explained if someone is owed a State refund or if they have lottery winnings, this program will collect the debt owed to the Town they can collect these funds. In order for the Town to participate in this program, the Town Council must adopt this resolution.

Mayor Montgomery questioned if these include property taxes. Administrator James stated that property taxes are handled through New Hanover County.

Administrator James stated that this resolution covers any debts owed directly to the Town.

Attorney Canoutas recommended the approval of this program.

ACTION - Commissioner Vatrt MADE THE MOTION to adopt the resolution to have the Town of Kure Beach join the North Carolina Local Government Commission's Debt Setoff Program. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. 1:38:50

4. <u>Discussion of how new improvements impact the need for additional law enforcement (Montgomery)</u>

Mayor Montgomery reminded everyone that the new Council elected in November will have to start the new budget cycle in December. He explained how current projects such as the Ocean Front Park and the Disc Golf Course might increase the need for additional law enforcement.

Commissioner Lambeth said that this is a decision for the new Council and the Police Chief

Mayor Montgomery noted that Chief Cooper just brought on a new part-time officer.

5. <u>Discussion and Consideration of Trade marking the Town Seal & Logo</u> (Attorney Canoutas & Pralle)

Attorney Canoutas reminded Council of when this issue was discussed earlier this year. Commissioner Vatrt expressed that trade marking makes sense from a business point to protect the Town's Seal and Logo.

Mayor Montgomery questioned if someone could use this without permission of the Town.

Attorney Canoutas noted that Council had passed an Ordinance regarding this earlier in the year, but from a legal standpoint it would have no bearing.

Mayor Montgomery questioned if the Seal/Logo could be used if given the approval from Council.

Attorney Canoutas said the Ordinance stated "with written permission from the Town."

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to move forward with trade marking the Seal and Logo. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NEW BUSINESS

1. <u>Discussion of Fort Fisher State Recreation Area Advisory Committee</u> (Montgomery)

Mayor Montgomery recommended the Council recommend the appointment of Mayor Pro Tem Dugan as a replacement liaison for the Fort Fisher State Recreation Area. The appointment would be a two year appointment.

ACTION - Commissioner Vatrt MADE THE MOTION to approve the recommendation of Mayor Pro Tem Dugan as a replacement liaison for the Fort Fisher State Recreation Area. Mayor Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. <u>Discussion and Consideration of New Email and Website Hosting Vendor</u> (James & Steve Woodard)

Administrator James referred to a memo that is included in the agenda packets. She explained that several Councilmen have expressed frustration over the spam email through our current hosting vendor.

She is requesting Councils approval for she and the Town's IT consultant, Steve Woodard, to research and move forward with switching the Town's hosting vendor. She noted a new vendor would provide the Town with the ability to have a shared calendar system. The goal is to reduce spam and archive items at a reasonable cost. Steve Woodard said the current system is usable, but not easy, and makes it impossible to archive emails, which is mandatory.

Commissioner Vatrt questioned the cost of the quotes presented.

Administrator James noted the first bid was 40% higher than the other quotes. The Town is currently spending \$60.00 a month for emails. They are looking to get permission to move forward with this venture.

Mayor Montgomery questioned if this update would stay within the current budget. Administrator James explained that the upgrade was included in the budget for this year.

ACTION - Commissioner Nelder MADE THE MOTION to go forward with changing the vendor and return to Council with an update. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. <u>Discussion of Supporting the Carolina Beach Pier</u>

The Town of Carolina Beach is currently holding public hearings to discuss the addition of a pier in Carolina Beach. They are asking Kure Beach to write a support letter so they can pursue grants and other funding.

Mayor Pro Tem Dugan noted that he had a conversation with Kure Beach Pier owner, Mike Robertson, a year ago. At that time Mike said he felt that a pier in Carolina Beach would not be competition.

Mayor Montgomery is to draft a support letter to Carolina Beach and contact Mike Robertson.

4. Cape Fear Arch

Mayor Montgomery recommends that Commissioner Nelder be nominated as the Kure Beach representative to the Cape Fear Arch.

ACTION - Commissioner Vatrt MADE THE MOTION to nominate Commissioner Nelder as the Kure Beach representative to the Cape Fear Arch. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

5. Employee Contracts 2:05

Mayor Montgomery explained that approximately two years ago the Town Council voted to hire a Town Administrator. Town Administrator's contract runs through January 2010. When the contract was approved it was on a trial basis. Mayor Montgomery expressed that the Town is not ready for an administrator form of government.

ACTION – Mayor Montgomery MADE THE MOTION to approve the cancellation of employment contract for the Town Administrator and separation by mutual agreement from the Town, as outlined in a letter of separation submitted to me this evening by the Town Administrator to have her depart the Town of Kure Beach to separate no later than the 20th of November, 2009 in accordance with the terms of the contract. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Lambeth said "I think it's a bit premature. I think I would wait until the new Council is seated."

Mayor Pro Tem Dugan said "I feel responsible to a large extent for what's going on because I believe that we, as a Council, failed in fully explaining the position in which we wanted and how we wanted it to go. We have been playing catch up ever since."

Commissioner Vatrt said "I guess I'm involved too. I was part of a small committee, a committee of two that actually did a lot of consideration for the Council. That research includes an analysis as to whether or not the Town of Kure Beach was ready for this form of professional government. And after an extensive study, and a lot of interviews' with a lot of different communities, I think this Council has always known there was going to be an adjustment period. I think what Mac is suggesting here today is that this Council was never able to make the adjustment or the community was not able to make the adjustment. I think that's unfortunate, but it is a fact. I think it probably time for all of us to learn from the experience in a big way. And not to make the same mistake twice, that's for sure. We need to thank Michelle for all the work that she has done."

ADJOURNMENT

ACTION – Commissioner Lambeth MADE THE MOTION to adjourn the meeting at 8:56 pm. 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

O.A.M

TSUNAMI

ONE WAY

BEACH ACCESS GROUND LEVEL

WALKWAY LEVEL

RAGRAPHICS

102 PORTWATCH WAY WILMINGTON, NC 910-793-9087

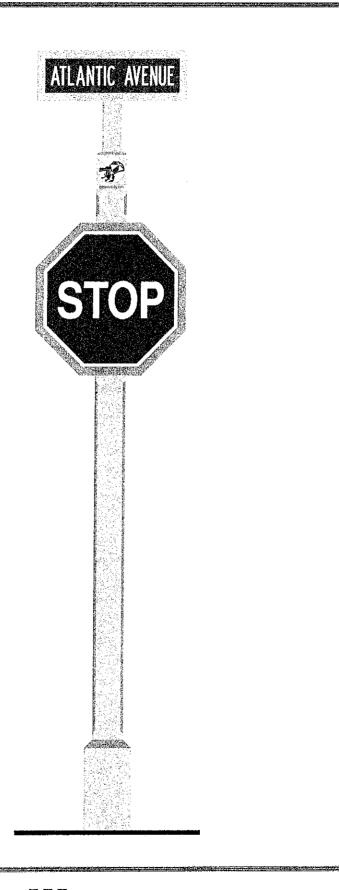
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RUTH ARNOLD SIGNS AND GRAPHICS

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910-793-9087

102 PORTWATCH WAY WILMINGTON, NC PAX: 793-9759

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RUTH ARNOLD GRAPHICS AND SIGNS

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KEEP OFF DUNES

PROJECT_____

102 PORTWATCH WAY 910-793-9087

WILMINGTON, NC FAX: 793-9759 THIS DRAWING IS THE PROPERTY OF

R.A.G.S.

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DATE			
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Estimate #1931

10/07/2009

Prepared for:

Kure Beach PD

Tony Gonsalves 117 N. 6th Ave Kure Beach, NC

Phone: 547-7442

Fax:

Prepared by:

September Signs & Graphics LLC

Šalesperson: Will Nabors 6731-4 Amsterdam Way Wilmington, NC 28405

Phone: 910-791-9084

Fax: 910-791-9085

Description:

Watchfire Signs

Price includes Ignite software, Temp & Time sensor, wireless modem and software phone training. Watchfire sign has a five year parts warranty labor is covered for 1 year.

Delivery:

Production time for the following item(s) will be approximately 45 working days.

Quantity	Description	Each	Amount	Tax
2	40"x8ft, viewing area 36"x7ft single face full Color 19MM LED Watchfire message center sign. 4.4 Trillion colors, Standard features include slideshow playback, animated text & graphics and plays prerecorded clips at 20 FPS. Price includes Ignite software, Temp & Time sensor, wireless modem and software phone training. Watchfire sign has a five year parts warranty labor is covered for 1 year.	\$13,315.05	\$26,630.10	Yes
1	no discount due to the retail price is \$16,605 each on the 19mm full color	\$0.00	\$0.00	Yes
. 1	1 color 19mm Amber 40"x5' overall, viewing area 36"x4ft sign can display 4096 shades. Includes fiber optic connection. Software and phone training	\$7,290.00	\$7,290.00	Yes
1	Sign base, permits and installation are additional.	\$0.00	\$0.00	Yes

TOTALS Subtotal:

\$33,920.10

Sales Tax:

\$2,628.81

Total:

\$36,548.91

Terms:

This estimate good for 30 days. 50% deposit due on signing, 50% due on delivery. Visa/MC accepted.



Estimate #1931

10/07/2009

Prepared for:
Kure Beach PD
Tony Gonsalves
117 N. 6th Ave
Kure Beach, NC
Phone: 547-7442

Fax:

Prepared by:

September Signs & Graphics LLC

Šalesperson: Will Nabors 6731-4 Amsterdam Way Wilmington, NC 28405 Phone: 910-791-9084

Fax: 910-791-9085

By my signature below, I authorize work to begin and agree	to pay above amount in fui	Il according to the terms on this agreement.	
SIGNED:	DATE:	AMT. PAID TODAY:	



Estimate #1936

10/20/2009

Prepared for:

Kure Beach PD

Tony Gonsalves 117 N. 6th Ave Kure Beach, NC

Phone: 547-7442

Fax:

Prepared by:

September Signs & Graphics LLC

Salesperson: Will Nabors 6731-4 Amsterdam Way Wilmington, NC 28405

Phone: 910-791-9084

Fax: 910-791-9085

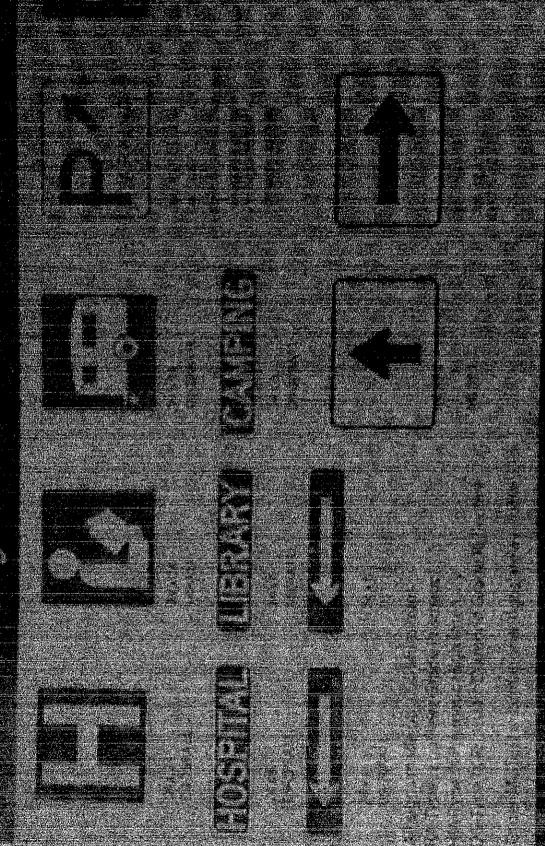
Description:

18"x15" Parking Signs, arrows can be placed as needed. .08 Aluminum with RA Type 1 Engineer Grade Prismatic vinyl.

Delivery:

Production time for the following item(s) will be approximately 5 working days.

Quantity	Description	E	ach Amou	nt Tax
1	18"x15" Parking Signs, arrows can be placed as needed08 Aluminum with RA Type 1 Engineer Grade Prismatic vinyl.	\$24	.50 \$24.5	0 Yes
1	U-Channel 8' Gal	\$37.	.30 \$37.3	0 Yes
		TOTALS	Subtotal:	\$61.80
		5	Sales Tax:	\$4.79
			Total:	\$66.59
Terms: This estimaccepted.	nate good for 30 days. 50% deposit due on signing, 50%	% due on deli	very. Visa/MC	
By my signatur	re below, I authorize work to begin and agree to pay above amount in full accordi	ng to the terms on	this agreement.	
SIGNED:	DATE:	AMT. PAII	D TODAY:	





TOWN OF KURE BEACH

ESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH

NC LOCAL GOVERNMENT DEBT SETOFF PROGRAM

WHEREAS, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue; and

WHEREAS, the law authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds; and

WHEREAS, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the Town of Kure Beach as defined in G.S 105A-2 (6), effective January 1, 2006 and thereafter as provided by law;

NOW, THEREFORE, BE IT RESOLVED by the Town of Kure Beach will participate in the debt setoff program and hereby designates Finance Officer Jennifer Watson as the person to hold hearings and conduct necessary proceedings.

The Town of Kure Beach Mayor hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

Adopted this the 20th day of October, 2009.

Mac Montgomery, Mayor

O ATTESTO 1947

Kaysie Pralle, Town Clerk

Motion to approve cancellation of employment contract of the Town Administrator and separation by mutual agreement from the Town as outlined in letter of separation to the Mayor dated October 20, 2009.

MICHELLE WRIGHT JAMES

1500 N. Carolina Beach Road, Apartment 3C Carolina Beach, NC

October 20, 2009

Dear Mayor Montgomery:

I wish to execute an agreement to separate from the Town prior to the conclusion of my contract which expires on January 7, 2010. I recommend my last day to be Friday November 20, 2009. I request the following consideration of a mutual separation package:

- Separation payment equal to three months at current rate and allowances paid upon date of departure.
- Health insurance provided by the Town until a full-time position is secured or three months from date of separation occurs (whichever occurs first).
- Use of phone and current phone number (service not included).
- E-Z Flex as part of the health care provision —see above.

It is our mutual understanding that the Town of Kure Beach is neither prepared to change it form of government to include a town administrator. I would encourage you to take some time to re-examine the position of Town Administrator and develop a position more in line with the Town's current and future needs. I would recommend an office manager position to provide oversight to the finance area, including grants administration, budgeting, accounts payable & receivable, and payroll.

Of particular importance and pride to me has been the accountability of the finance area during my tenure with the Town, especially with the development of the current Finance Officer Jennifer Watson and CPA Jason Keller. It is an area of great importance which needs diligent guidance and oversight from either Council or an experienced office manager.

Our agreement to our mutual separation provides me the opportunity to work with staff in the completion of the following projects:

- Convert Water/Sewer Billing software
- Offer on-line payment process for water bills
- Collect delinquent accounts using the Debt Set-off Program
- Negotiate with Conspecto.com to provide complimentary Internet service to the Town and at a discounted rate to residents

- Hire a new email and website host with IT rep Steve Woodard to reduce spam and upgrade server capacity
- Complete current reimbursements for all grants and TDA funds
- Update disability and worker's compensation files
- Complete audit
- Complete personnel hearing
- Provide holiday party and annual HR benefit/screenings to staff
- Provide for positive transition in light of finance officer going out on maternity leave in late November

I have enjoyed serving the Town of Kure Beach. Thank you for your consideration of this request.

Sincerely,

Michelle James