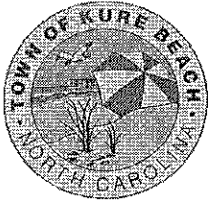


MINUTES

TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor
Chuck Keener, Mayor Pro Tem
Jim Dugan, Commissioner
Barry Nelder, Commissioner
Tim Fuller, Commissioner
Kaysie Pralle, Town Clerk

REGULAR MEETING

MAY 18, 2010 at 6:30 PM

COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Jim Dugan
Commissioner	Barry Nelder
Commissioner	Tim Fuller

STAFF PRESENT:

Building Inspector	John Batson
Police Chief	Dennis Cooper
Fire Chief	Harold Heglar
Administrative Assistant	Nancy Hewitt

STAFF ABSENT:

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 Lambeth called the meeting to order at 6:30 pm. Pastor Timothy Blevins from Life Community Church in Wilmington delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

PRESENTATIONS TO COUNCIL

- **Doug Murray, Safety Officer for Cape Fear Sail and Power Squadron – National Boat Safety Week Proclamation (May 22-28)**

Mr. Murray – This year's theme is "Wear It," to convince people to wear their life jackets. Mr. Murray stated that approximately 90% of drowning incidents happen because people aren't wearing their life jackets. Mr. Murray asked everyone who is a regular passenger or operator of a water vehicle to stand while he read the proclamation signed by Mayor Lambeth.

- **Lyme Disease Awareness Month, May 2010**
Mayor Lambeth – He declared May 2010 Lyme Disease Awareness month and read the proclamation.

PERSONS TO ADDRESS COUNCIL

(3 Minutes – Please sign in with the Clerk before the meeting)

- **Paula Withrow – Street Festival and Parks & Recreation Bus Trips**

Ms. Withrow – She thanked Council for their support of the 2010 Kure Beach Street Festival. She especially thanked Mayor Lambeth and the Kure Beach Police, Fire and Public Works departments for everything they did to make the festival enjoyable for all participants.

She also announced the two bus trips that she planned for Kure Beach residents and friends to take in the upcoming months. The first trip is to New Bern's Tryon Palace on October 7, and the second trip is to Myrtle Beach's Palace Theater to see the show "Christmas on Ice" on December 2. She announced the price of each trip and informed everyone that tickets should be purchased at Town Hall.

- **Jerry Bigley – Gaming Machines**

Mr. Bigley – He stated that the two "sweeps" machines he has in his business establishment have enabled him to hire another part-time person. Carolina Beach's Planning and Zoning Commission agreed with Mr. Bigley's recommendation to charge \$250 tax revenue per sweeps machine, which he feels is a fair price. He hopes that Kure Beach will take this into consideration when they decide how much tax revenue to require from their business owners who own these types of gaming machines.

- **Dan Bell – Privilege License Tax for Gaming Operations Ordinance**

Mr. Bell – He feels the proposed ordinance on gaming machines is ambiguous and asked that Council make a decision tonight on clarifying the wording before the tax is collected at the end of May. He asked them to distinguish between arcade games and "sweeps" machines vs. internet café gaming machines. He is working with Town Attorney Canoutas on the language for arcade games. He requested that the implementation of the ordinance and tax be delayed.

Mayor Lambeth asked Town Attorney Canoutas what the best way would be to delay the implementation of the tax. Mr. Canoutas said that Council could "stay" the implementation of the tax until they come up with a viable solution.

ACTION – Commissioner Nelder MADE THE MOTION to "stay" the implementation of this tax until a solution is decided upon and is reported back to Council. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- **Mayor Lambeth – Parks and Recreation Expansion**

Speaking on behalf of Bob Fitzsimons, the Chairperson of the Parks & Recreation Committee, Mayor Lambeth requested Commissioner Fuller to work with Mr. Fitzsimons to come up with an equitable rental price for the Kure Beach Community Center to charge the Parks and Recreation Committee for use of the facility.

APPROVAL OF CONSENT AGENDA

1. Building Department report – April 2010
2. Finance Department report – April 2010

3. Fire Department report - April 2010
4. Police Department report - April 2010
5. Meeting Minutes
 - 4/15/2010 Budget Work Session #1
 - 4/20/2010 Regular
 - 4/20/2010 Closed - Personnel
 - 4/22/2010 Continued from 4/20/2010 Regular meeting

ACTION - Commissioner Dugan MADE THE MOTION to adopt the Consent Agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

AMENDMENTS:

Old Business

- | | |
|------------------|--|
| Item 5 | Withers & Ravenel Architectural Landscaping Contract (Dugan) & RFP for Architectural Bids (Lambeth). |
| Item 6 (move) | Move to end of New Business for Executive Session |
| Item 6 (replace) | Committee Minutes (Dugan) |

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

DEPARTMENT HEAD REPORTS

- **Dennis Cooper - Police Chief**
Dennis - Introduced Officer Jason Cummings and his young canine, Rocky, and announced that they had won First Place at the Regional competition. He invited residents to stop by the KBPD to see this year's and last year's trophies. Officer Cummings urged the community and Council to support the canine program and the police department. He stated that his goal is to win a national title for the department.
- **John Batson - Building Inspector**
John - He had been asked to look into whether the Fine for wearing a thong on the beach should be increased. After doing more research on the subject, he concluded that the \$25 fine is sufficient.
- **Harold Heglar - Fire Chief**
Harold - The two lifeguard stands that had been destroyed last season have been rebuilt and are in place. Out of the 30 lifeguards they had last year, 20 are returning and 10 are new. Out of the 10 new lifeguards, 9 of them came through the Junior Lifeguard Program. He said that the program filled up quickly during the Street Festival sign-up, so they are considering holding a second lifeguard camp.

OLD BUSINESS

1. Economic Development Studies update from the Planning & Zoning (P&Z) Commission, Shoreline Access & Parking (SLAP), Beautification and KB Marketing Advisory Committee

Craig Galbraith from the P&Z Commission suggested that the items listed for P&Z be discussed during the New Business portion of the meeting under Item#9.

a. Tony Gonsalves - SLAP committee revised initiatives

Mr. Gonsalves reviewed with Council the list of SLAP initiatives which was updated at the last SLAP meeting. He also mentioned that the parking information on the Town's website needed to be updated and be made more comprehensive. Commissioner Fuller said that the TDA Marketing Committee has a map that they may be able to provide. Mayor Lambeth asked Anne Brodsky to work with Tony on this need.

2. Room Occupancy Tax (ROT) Collection

Attorney Canoutas stated that the Town could get out of the second part of the ROT by adopting a resolution on the first of any given month, allowing implementation of that resolution on the first month of the Budget Calendar Year; July 1. Commissioner Dugan said that lifeguards would have to be paid out of the General Fund if they couldn't count on the ROT. Gilbert Alphin asked Commissioner Nelder how many rental rooms in Kure Beach were subjected to ROT. Commissioner Nelder said that he had no idea. Commissioner Fuller said that approximately \$170,000 would be lost from the budget if the ROT was removed. Commissioner Dugan stated that there was paperwork that was received from the agencies showing that money for rental housing is going up and money for rooms is dropping; the reason is because the number of available rooms has dropped. Mayor Lambeth said that, with economic times as they are, the Town couldn't afford to take the hit. Commissioner Nelder stated he wouldn't want to increase taxes on everyone else just because the council decided to cut out the taxes that the tourists were paying.

CONSENSUS - Council will keep the Room Occupancy Tax as-is.

3. Discussion and consideration of parking restrictions for Big Daddy's restaurant following a public hearing.

John Batson, Building Inspector, stated that according to KB Town Ordinance SECTION 19-246: PARKING, parking restrictions are null and void for any business other than tourist lodgings or residential uses. Therefore, Mr. Batson will issue the permit to Big Daddy's to proceed with their plans.

4. Discussion and consideration of adopting 2010 Emergency Management Plan and Hurricane Brochure.

David Heglar, Kure Beach Emergency Manager, requested that Council approve the 2010 Emergency Management plan. The only change to last year's plan is located in Annex C of the Plan where there are different training requirements.

ACTION - Commissioner Dugan MADE THE MOTION to adopt the 2010 Emergency Management Plan. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mr. Heglar stated that he would work with the Town Clerk to have her reformat the emergency plan into a PDF and have it posted to the Town's website.

Mr. Heglar also said that the Hurricane brochure has been updated and he will have the Town Clerk email it to the Town distribution list sometime in June and to place copies of it at the front desk for distribution.

5. Withers & Ravenel Architectural Landscaping Contract & RFP for Architectural Bids

Commissioner Dugan stated that there were significant changes to the contract with the changes on it. The contract is for landscape architecture. Council had approved an expenditure of \$29,750 for these services.

ACTION - Commissioner Dugan MADE THE MOTION to accept the contract from Withers & Ravenel. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Lambeth said that he had received a letter from Engineering Services that stated they are preparing a draft request RFP for architectural services for the design of the park building. Commissioner Fuller asked the Mayor if the money to do this would come out of grant money to which the Mayor replied in the affirmative.

ACTION - Mayor Lambeth MADE THE MOTION to spend the first \$1,600 for the preparation of an RFP from Engineering Services to begin the process of getting an architect to design the park building. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Committee Minutes & Agenda Packet for Council Meetings

Commissioner Dugan asked that the committee minutes be distributed to the council members. As it is now, they do not receive any committee minutes to review. Commissioner Nelder suggested that the minutes could be emailed directly to the Council members.

CONSENSUS - The Town Clerk should work with the committees to decide whether the committees' secretaries should email the minutes directly to Council or whether the secretaries will email them to the Town Clerk and she will distribute them, herself.

Mayor Pro Tem Keener would also like the Town Clerk to distribute the Agenda Packets for Council meetings only to Council and the Town Attorney. Department Heads need only to receive a copy of them via Email. This would cut down on paper usage.

CONSENSUS – The Town Clerk will only distribute a hard copy of the Council Agenda Packets to Council and the Town Attorney. Department heads need only receive an emailed copy of the packet. If it's not too much trouble, she is requested to email each Department Head only what is vital to his/her department.

7:45 p.m. Ten Minute Break

7:55 p.m. Meeting Resumed

NEW BUSINESS

1. Board/Commission/Committee Vacancy Appointments and Resignations

- a. Resignation of Michelle Hackman – Marketing Advisory Committee

CONSENSUS – Council accepted Ms. Hackman's resignation.

- b. Appointment of Joan Van Ham – Marketing Advisory Committee

ACTION – Commissioner Fuller MADE THE MOTION to accept the appointment of Ms. Van Ham as recommended by the Marketing Advisory Committee. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Discussion and consideration of disbanding the Economic Development Study (EDS) Committee

Mayor Lambeth asked Council if there was any reason to continue the EDS Committee. Commissioner Fuller explained that the original intent of putting the committee on-hold was to see if the other committees could handle the issues being discussed by the EDS Committee. Mayor Lambeth thanked the committee for the work they had done but said that the other committees seemed to be handling the work. Mayor Lambeth made the motion to disband the EDS committee. For lack of a second, Mayor Lambeth asked if there was any discussion about the matter. For lack of discussion, Mayor Lambeth suggested proceeding to the next agenda item. Jim Vatr, member of the EDS Committee asked for clarification on what was going to happen to the EDS committee. He was told that no decision would be made at this time. Commissioner Nelder suggested that the EDS Committee could become a subcommittee for the Planning and Zoning Commission. Craig Galbraith, member of the P&Z Commission, pointed out the difference between P&Z issues and EDS issues. He said he would be hesitant to fold the objectives of EDS into P&Z. He felt there needed to be a separate entity to look at economic development issues. Mr. Vatr agreed with Commissioner Nelder's idea. Mayor Lambeth suggested the issue could be further discussed under New Business, Item#9.

3. Discussion and consideration of Dow Road DOT signage

- a. Tourist Oriented Guide Signs (TOGS) (Lambeth)

Mayor Lambeth explained that TOGS could be placed at the Ferry displaying the logos of our local businesses in order to attract patronage. The businesses would have to pay for

their logo to be placed on the signage. Anne Brodsky will poll the business owners to see if they'd be interested and will work with Jim Vatr and the Marketing Advisory Committee.

Mayor Lambeth and Commissioner Nelder discussed the email that was sent to Kure Beach's List Serve asking for feedback about the Dow Road signage that Carolina Beach has proposed and approved that would direct people to Kure Beach via Dow Road. The emails were running 2-1 AGAINST putting signage up. Commissioner Fuller asked if DOT would put up signs just on Carolina Beach's recommendation alone. He felt they would be unlikely to do anything without further research.

The following points were made:

- the signage will reroute traffic away from the six Kure Beach motels located north of K Avenue (Anne Brodsky)
- increased traffic on Dow Road could interfere with emergency vehicle access (Lambeth)
- increased traffic on Dow Road could cause safety issues with bicyclists who frequent the roadway (Lambeth)
- a public meeting should be held before any action is taken (Judy Larrick)

ACTION - Commissioner Nelder MADE THE MOTION to have the Mayor draft a letter to the DOT requesting that they not proceed on Carolina Beach's action until further studies could be conducted and both Town's could concur on it. Commissioner Fuller seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

4. Southern Grantworks Consulting Services

Commissioner Dugan requested that Council approve the estimated total cost of approximately \$2,000 for Diana Woolley with Southern Grantworks to write a grant for the Fire Department for this grant cycle. The grant money would enable the department to purchase exhaust equipment for the fire station which would disperse exhaust from the inside to the outside of the building. Last year, under her grant writing, the Fire Department was awarded funds that enabled them to buy all new fire gear. Her contract has expired with the Town, so she has prepared a new Memo of Understanding to be approved by Council. The payment will come out of the grant money if the grant is awarded; otherwise, it will come out of the Fire Department's budget.

ACTION - Commissioner Dugan MADE THE MOTION to accept a Memo of Understanding from Diana Woolley with Southern Grantworks for her grant writing services. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

5. Review and discussion of FY 2010/2011 Town Budget

Commissioner Fuller reviewed some issues with this year's budget planning and requested that a Budget Work Session be scheduled for Friday, May 28 @ 2:00 p.m. to review a final draft of the budget. He also requested that tonight's council meeting be continued until Tuesday, June 1 @ 2:00 p.m. where the final budget would be presented. During the continued council meeting, it will be decided if it is necessary to still hold the originally scheduled Budget Work

Session on Thursday, June 10 at 5:30 p.m. He would like to present the final budget to be adopted at the June 15 Public Hearing to be held at 5:30 p.m.

ACTION - Commissioner Fuller MADE THE MOTION to schedule the meetings as discussed. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Consideration of request from Citizens Finance and Budget Advisory Committee concerning Town email accounts

Commissioner Fuller said that the Town's Email carrier, VC3, would charge the Town \$3.00 per additional email address, per month, which would not be cost effective. Therefore, these committee members will need to continue to use their own email addresses for committee business. Commissioner Dugan asked Attorney Canoutas if committee members' personal emails could be separated from committee-related emails to which Mr. Canoutas replied that there is a way, but he is unaware of the technical aspects of it. Commissioner Fuller said this issue should be handed over to someone who knew what they were dealing with. Attorney Canoutas said that if there are 3 or more committee members corresponding at the same time regarding committee business, it is considered an official committee meeting.

ACTION - Commissioner Fuller MADE THE MOTION to table the discussion until Council could get some guidance on it. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

7. Discussion and consideration of an Ethics Policy or Resolution in accordance with NCGS provided under HB 1452

Attorney Canoutas stated that Council was required to take classes on the issue and that a Code of Ethics must be put in place by Council by January 1, 2011.

ACTION - Commissioner Fuller MADE THE MOTION to have the Town Clerk purchase a copy of the book "A Model Code of Ethics for NC Local Elected Officials" and to work with the Town Attorney to draft a Code of Ethics for adoption. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

8. Discussion and consideration of Town Hall printer contract

ACTION - Mayor Lambeth MADE THE MOTION to table this item. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9. Recommendation from the Planning & Zoning Commission to schedule a joint Work Session with the Town Council prior to the June P&Z meeting

Craig Galbraith stated that the P&Z Commission needed help prioritizing their activities related to the Sawyer B-1 study. They would like to get direction from Council during a joint Work Session before their next meeting.

ACTION - Commissioner Nelder MADE THE MOTION to schedule a Joint Work Session between Council and the Planning & Zoning Commission on Tuesday, June 1, at 4:00 p.m. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

EXECUTIVE SESSION

ACTION - Mayor Lambeth MADE THE MOTION to go into Executive Session for the purpose of discussing personnel. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9:00 p.m. Council went into Executive Session

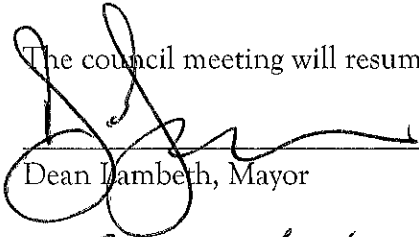
9:45 p.m. Meeting Resumed

Mayor Lambeth stated that no decisions had been made during the Executive Session. He asked Council if anyone wanted to make a comment or motion about the Town Clerk position. Commissioner Fuller commented that the decision to go back to a Mayor/Council form of government was no reflection on the current Town Clerk or Finance Officer.

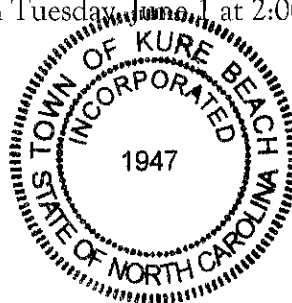
ACTION - Commissioner Fuller MADE THE MOTION to offer the position of Town Clerk to Nancy Avery to start work on July 1, 2010, and that Mayor Pro Tem Keener and Commissioner Dugan would work out a severance agreement with the current Town Clerk. Mayor Lambeth seconded the motion. THE VOTE OF APPROVAL WAS AS FOLLOWS: Mayor Lambeth, Mayor Pro Tem Keener, and Commissioners Fuller and Nelder FOR and Commissioner Dugan AGAINST.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to offer the position of Finance Officer to Chris Sammons to start work on July 1, 2010, and that Mayor Pro Tem Keener and Commissioner Dugan would work out a severance agreement with the current Finance Officer. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS AS FOLLOWS: Mayor Lambeth, Mayor Pro Tem Keener, and Commissioners Fuller and Nelder FOR and Commissioner Dugan AGAINST.

The council meeting will resume again on Tuesday, June 1 at 2:00 p.m.


Dean Lambeth, Mayor


Nancy Hewitt, Interim 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.