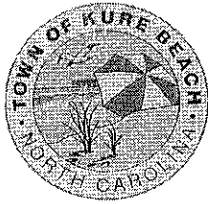


# MINUTES

# 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  
Emilie Swearingen, Commissioner

## REGULAR MEETING

**FEBRUARY 15, 2011 at 6:30 pm**

The Kure Beach Town Council held their regular meeting on Tuesday, February 15, 2011 at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum.

### COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Barry Nelder
Commissioner	Emilie Swearingen

### COUNCIL MEMBERS ABSENT

Commissioner	Jim Dugan
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### STAFF PRESENT

Fire Chief Harold Heglar  
Public Works Director Sonny Beeker  
Finance Officer Arlen Copenhaver  
Town Clerk Nancy Avery

Mayor Lambeth called the meeting to order at 6:30 pm. Pastor David Braddy of Cape Fear Baptist Church delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

MOTION – Mayor Lambeth made the motion to excuse Commissioner Dugan from the meeting due to illness.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

### APPROVAL OF CONSENT AGENDA

1. Approve contract for Tommy B & The Stingers – band for street festival
2. BOA Annual report
3. Finance report – January 2011
4. Building Department report – January 2011
5. Fire Department report – January 2011
6. Report of Surplus Property from July 1, 2010 to December 31, 2011
7. Police Department report – January 2011
8. Meeting Minutes:
  - January 18, 2011 regular and closed
  - January 19, 2011 retreat continued to February 2, 2011

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MOTION – Commissioner Nelder made the motion to adopt the consent agenda with no changes.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

### ADOPTION OF THE AGENDA

MOTION – Mayor Pro Tem Keener made the motion to adopt the agenda with the addition of one item under department head items, finance: R11-03 resolution approving financing w/ Branch Banking and Trust for two police vehicles.

SECOND – Commissioner Nelder

VOTE - Unanimous

### PRESENTATIONS TO COUNCIL

1. Gail McCloskey, Pleasure Island Chamber of Commerce, regarding funding request for Free Summer Concerts

Ms. McCloskey stated:

- I am here to request funding for summer concerts in July and August.
- This is the tenth year we have sponsored them.
- The concerts have grown and become very popular since we partnered with Kure Beach.
- We are requesting the same amount of eight thousand dollars (\$8,000) to cover the bands, sound equipment and TV advertising.
- These funds are through the Room Occupancy Tax (ROT) funds, not taxpayer dollars.

Mayor Lambeth stated Council will discuss as part of next year's budget and let Ms. McCloskey know.

### PERSONS TO ADDRESS COUNCIL

None

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing committee

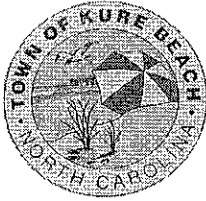
Marketing committee representative, Butch Von Cannon, introduced committee member Joan Van Ham and stated:

- The Marketing committee has been reviewing ten proposals received from marketing companies to select a new firm for Wilmington and the three beach towns. The proposals were narrowed to five, and then Clean Design, located in Raleigh, was selected.

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- Our committee's role is to advise visitors and the convention bureau in Wilmington.
- We are working on a design for a website for the beach towns and Wilmington.
- Our committee's main goal is to get more people here to put 'heads on beds' and keep Kure Beach from losing it's identity and being lumped in with other towns.
- The next committee meeting will be March 11<sup>th</sup> with Clean Design. Everyone is welcome.

### 2. Shoreline Access and Parking (SLAP) committee

#### Joe Eakes Park

SLAP committee chairman, Tony Gonsalves, stated the parking layouts Joe Eakes Park and the Corral were received from Withers and Ravenel. The Police Chief and Public Works Director like the layout for Joe Eakes Park. Director Beeker wants a fence in front of the basketball court for protection. I am asking Council to approve the layout and adding a fence. The cost of the fence can come out of SLAP's budget.

#### Discussion:

Public Works Director Beeker suggested putting in the bumpers after the Street Festival. He stated an eight to ten foot fence with wings is needed and he will get a price.

Commissioner Swearingen asked if there will be landscaping.

Chairman Gonsalves replied that he is not in charge of landscaping. That would be the Beautification Committee.

Mayor Lambeth stated we didn't allocate money for landscaping.

MOTION – Mayor Pro Tem Keener made the motion to accept the parking layout plan for Joe Eakes Park as presented.

SECOND – Commissioner Nelder

VOTE - Unanimous

#### The Corral

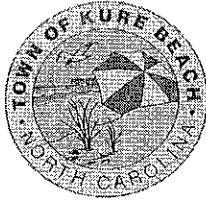
Chairman Gonsalves stated the parking layout for the Corral has three concepts. Everyone agrees with concept # one that allows RV parking in the Corral. I recommend removing the wooden fence and planter in front for maximum parking spaces.

I want Council's approval to contact DOT to have the entrance to the Corral off K Avenue to minimize congestion on 7<sup>th</sup> Street for the Fire Department.

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MOTION – Mayor Pro Tem Keener made the motion to accept concept one for the Corral with the exception of having access on K Avenue and authorize the SLAP committee to talk with DOT.

SECOND – Commissioner Nelder

VOTE – Unanimous

### Lighting in parking areas in Joe Eakes Park and the Corral

Chairman Gonsalves stated there needs to be lighting in both Joe Eakes Park and the Corral in the parking areas added. I am asking Council's permission to discuss this with Progress Energy.

MOTION – Commissioner Swearingen made the motion for the SLAP committee to investigate with Progress Energy the possibility and cost of lighting in Joe Eakes Park and the Corral parking areas.

SECOND – Commissioner Nelder

VOTE - Unanimous

### Extend boardwalk south of Atlantic Avenue

Chairman Gonsalves stated he isn't sure about the legal status of extending the boardwalk south of Atlantic Avenue.

Town Attorney Canoutas stated that maps are like treasure maps. Mr. Pilcher's legal description overrides the 1947 recorded map, which has never been used. Council would have to get Mr. Pilcher's approval for an easement for the boardwalk to be extended. Additionally, in 1995, the Town got beach renourishment easements. The property owner can't impede anything that will bring that project to a halt. Some of those easements were in the high water mark. Because of erosion, the fill was done by hydraulics. This was done by public funds. As per 146-6f of the North Carolina General Statutes, any project undertaken on the beach front where hydraulics are used to gain land belongs to the sovereign state of North Carolina. Extending this boardwalk is a bug-a-boo of problems. It will never happen, not in my lifetime.

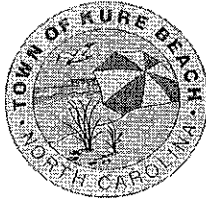
Mayor Lambeth stated he read the statute with Andy (attorney) and it is pretty black and white. Unless we are willing to spend a tremendous amount of money, we will be spinning our wheels a long time.

Attorney Canoutas stated that Lee Wrenn reminded me that when people signed easements they were concerned that the Town would put something out there and that Council assured them they wouldn't. The dignity and respect of the Town is at stake.

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MOTION – Commissioner Swearingen made the motion to table this project indefinitely.  
SECOND - Commissioner Nelder  
VOTE - Unanimous

### 3. Citizens Budget and Finance Committee

Commissioner Swearingen stated that the Citizens Budget and Finance Committee recommended the appointment of Charlie Allo at their last meeting and I support this appointment. There was only one application received.

MOTION – Committee Swearingen made the motion to override the committee policy and procedure and allow one application and make Charlie Allo a member of the Citizen Budget and Finance committee.

SECOND – Mayor Pro Tem Keener  
VOTE - Unanimous

### 4. Parks & Recreation (P&R) committee

Mayor Lambeth stated he recommends tabling accepting the resignation of Bob Fitzsimons from the Parks and Recreation committee for another month.

#### Discussion:

Commissioner Nelder asked why we are tabling again. Dean (mayor), you were the one that wanted all these rules and regulations. If we make a rule, we need to abide by it.

Mayor Lambeth replied he wants to table because he (Fitzsimons) is by far one of the best committee chairman.

MOTION – Mayor Lambeth made the motion to table for another month.  
SECOND – Mayor Pro Tem Keener  
VOTE – Unanimous

### 5. Committee consensus items from retreat

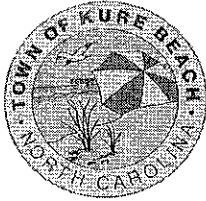
Mayor Pro Tem Keener explained that at the retreat, Council talked about disbanding the Ocean Front Park, Economic Development, and Hall of Fame committees because their work is complete.

Council also discussed holding quarterly meetings with chairpersons of all committees and designating a commissioner to organize and attend.

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Mayor Pro Tem Keener said that both the Beautification and Parks and Recreation Committees had revised their mission statements and want Council to approve them.

### Discussion:

Commissioner Swearingen said:

- She wants a conversation with committee chairpersons as to how they can best communicate with Council, since some don't have email or computers or are out of state, etc.
- The Stormwater committee would like to have more contact with Public Works Director Sonny Beeker. The committee liaison is not Beeker's liaison. It is hard to coordinate. I think there can be better communication.

MOTION – Commissioner Nelder made the motion to disband the Ocean Front Park, Hall of Fame, and Economic Development Committees.

SECOND – Commissioner Swearingen

VOTE – Unanimous

MOTION – Commissioner Nelder made the motion to hold quarterly meetings with the committee chairpersons and designate Commissioner Dugan to coordinate and attend.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

MOTION – Mayor Pro Tem Keener made the motion to accept the new mission statement for Parks and Recreation committee.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Said mission statement to read: 'Create park settings and provide recreational opportunities to Kure Beach residents to improve their quality of life'.

MOTION - Commissioner Nelder made the motion to ask the Beautification committee to revise their mission statement to make it shorter and more concise.

SECOND – Commissioner Swearingen

VOTE - Unanimous

### 6. Board of Adjustments (BOA)

MOTION - Commissioner Nelder made the motion to accept the continuation of Harry Humphries, Peter Boulter and Charlie Allo on the BOA.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

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7. Planning and Zoning Commission (P&Z)

P&Z recommended Council scheduling a public hearing as the first item on the agenda for the March 15<sup>th</sup> Council meeting at 6:30 pm to hear comments on proposed amendments to the sign ordinance:

- Amendment to Chapter 19 (Zoning) Article VI (Signs), Section 382 (Schedule of signs), Wall signs in B2 and B3 districts, add 15%
- Amendment to Chapter 19 (Zoning), Article VI Signs, Section 381 Non conforming signs, subsection 5(d) change 7 years to twelve years and add new language regarding appeal process as subsection f.

MOTION - Commissioner Swearingen made the motion to schedule a public hearing as the first item on the agenda for the March 15<sup>th</sup> Council meeting at 6:30 pm to hear comments on proposed amendments to the sign ordinance as follows:

- Amendment to Chapter 19 (Zoning) Article VI (Signs), Section 382 (Schedule of signs), Wall signs in B2 and B3 districts, add 15%
- Amendment to Chapter 19 (Zoning), Article VI Signs, Section 381 Non conforming signs, subsection 5(d) change 7 years to twelve years and add new language regarding appeal process as subsection f.

SECOND – Commissioner Nelder

VOTE - Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

Administration and Finance

1. Finance Officer Arlen Copenhaver reviewed Budget Amendments 11-24; 11-25; and 11-26 and asked Council to approve them.

MOTION – Commissioner Swearingen made the motion to approve budget amendments 11-24, 11-25 and 11-26 as presented.

SECOND - Commissioner Nelder

VOTE - Unanimous

Said budget amendments are herein included as part of these minutes

2. Finance Officer Copenhaver asked Council to approve issuance of the Request For Proposal (RFP) for an auditing firm.

MOTION Mayor Lambeth made the motion to approve issuance of the RFP for an auditor.

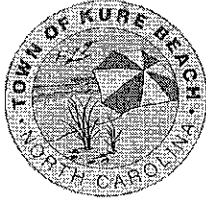
SECOND – Commissioner Nelder

VOTE – Unanimous

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3. Finance Officer Copenhaver reviewed a proposal from Robert Segal regarding Franchise Tax collection. Officer Copenhaver stated the Town wouldn't incur any cost unless Mr. Segal found Franchise Tax due to the Town. The Town would pay Mr. Segal 50% of any found revenue.

MOTION – Commissioner Nelder made the motion to approve the proposal to contract with Robert Segal to research revenue from Franchise Tax collections with no fee if he doesn't find anything and 50% of revenue found for two years.

SECOND – Commissioner Swearingen

VOTE - Unanimous

4. Finance Officer Copenhaver reviewed Resolution R11-03 approving financing terms with Branch Banking and Trust (BB&T) for financing the purchase of two new police vehicles and asked Council to approve.

MOTION – Commissioner Nelder made the motion to approve resolution R11-03 for financing terms with BB&T for purchase of two new police vehicles.

SECOND – Commissioner Swearingen

VOTE - Unanimous

Said resolution R11-03 is herein included as part of these minutes.

### Public Works Department

Public Works Director Beeker stated that you might have read about the water situation that Carolina Beach is in and I will be glad to answer any questions you have.

My recommendation is to keep doing what we are doing and not join Carolina Beach in purchasing water. We are in pretty good shape.

Free bulk trash pickup will probably be the second week in April and we will need to advertise. I will set the actual date.

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Update on Ocean Front Park

Town Clerk Avery stated we are in the permitting phase with the storm water permit and are waiting for permit approval. Once we receive that, we will apply for a CAMA minor permit. Once that is received, we will issue the Request for Proposal for a contractor and break ground in late April or early May.





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2. Strategic Plan: Where do we go from here?

Commissioner Swearingen stated:

- We have to take a strategic plan in baby steps.
- We have not finalized a mission or vision statement.
- I recommend waiting until we finish the budget sessions to talk about vision statements.
- I want us to look seriously at a mission statement. Chuck (Keener) and Jim (Dugan) both submitted one and we talked about them and revised them. I gave everyone a report of the session. I want to know if a couple of Council members should get together to finalize the mission statement. Or would you like for me to finalize one. What is Council's pleasure?

CONSENSUS - Commissioners Swearingen and Dugan to work on a mission statement and present to Council.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Communication between Council members

Commissioner Swearingen stated I know I'm the new kid on the block. This hit home while doing the strategic plan. I need to know from the four other Council members, what is your preference when I need to get something to you? Is it better to put it in your box or email it? At what point do I need to call you and say check your box or email, which still hasn't been done. We haven't read the agenda packet until a few minutes before the meeting starts. What is the best way for Council to communicate with each other?

Mayor Lambeth replied he prefers contact by the telephone.

Mayor Pro Tem Keener stated his preference is email.

Commissioner Nelder said he prefers telephone contact.

Commissioner Swearingen stated I need to know about the Polar Plunge on Saturday. Who will be there?

Commissioner Nelder said I plan on being there.

Mayor Lambeth said I am not feeling well, so I'm not planning on it.

Mayor Pro Tem Keener said I'll be there.

2. Extension of WAVE bus service from Wilmington to Kure Beach

Mayor Lambeth stated extending WAVE bus service from Wilmington to Kure Beach was discussed at the MPO meeting. I asked why Brunswick County has WAVE service and we don't. Chairman Barfield stated we could have it, but we would have to contribute. I think we should go to the County Commissioners and state we are paying



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enough in taxes and we shouldn't have to pay for bus service. I want a Council consensus.

CONSENSUS – let sleeping dogs lie until they make a presentation about WAVE service.

3. Attendance at NLC Conference

Commissioner Swearingen stated:

- No one from Kure Beach has attended since Betty (Medlin) was mayor.
- Carolina Beach is a member of the National League of Cities and they are going to this conference.
- A considerable number of small towns in N.C. do attend this.
- I hope President Obama understands beach renourishment is an earmark.
- I want to know first hand what is happening and talk to our delegation about our priorities.
- I feel it is valuable to network with other small towns as to how they are handling things. There is a workshop for small towns at this conference.
- I can attend without the Town joining the National League of Cities.
- The approximate cost for me to attend is \$1,700.
- I would like to attend, but there is no travel money left in the budget. The money was spent on the Disc Golf Course and employee luncheon.

Discussion:

Attorney Canoutas stated I attended years ago when I was Carolina Beach's attorney. I also attended for Kure Beach. The Town paid part and I paid part. It is interesting and you learn a lot. It would behoove you to make arrangements ahead of time with your congressman to tell about your concerns about renourishment. They will meet with you there.

Mayor Lambeth said I had planned on going to Washington with the Carolina Beach mayor. As far as communicating, I always get a response or we can set up private meetings. I think we can spend the \$1,700 somewhere else. I will pay my way.

Commissioner Nelder asked if it is a worthy undertaking. We don't have money in the budget. It is not a good example to set for the rest of the Town, especially if we are looking at any possibility of a tax increase.

Finance Officer Copenhaver stated there are ways to do budget amendments. We have some revenue sources where we have exceeded budgeted amounts.

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Mayor Lambeth stated he would rather spend money on the beach and waterways convention. It is a better use of money.

CONSENSUS –Don't approve transferring funds to Governing Body Travel and Training line item for attendance at the NLC Conference.

4. Request from property owner Jacqueline S. Wade to remove existing utility easement at 535 S. Fort Fisher Boulevard

Mayor Lambeth stated I was contacted by this owner about putting in a swimming pool at this address and I am recusing myself from this discussion.

Attorney Canoutas stated that Lawrence Kure put that easement in there. It runs two and one half blocks and is ten feet wide. It runs between lots on the waterfront. I always maintain that unless the Town absolutely has to, the Town should never get rid of any property it has.

MOTION - Commissioner Nelder made the motion to send a letter to the homeowner that the Town won't release the easement.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Mayor Lambeth recused himself from the vote.

5. Finance Officer Copenhaver

Mayor Pro Tem Keener stated he recommends the following for Finance Officer Copenhaver who was hired June of 2010:

- Removal of six month probation
- Annual salary increase of \$2,000 retroactive to December 29, 2010
- Paying for transfer of his CPA license to North Carolina

Finance Officer Copenhaver stated it would cost less than \$500 to transfer his CPA license to North Carolina.

MOTION – Mayor Pro Tem Keener made the motion to remove Finance Officer Copenhaver from the six month probation, increase his annual salary by \$2,000 retroactive to December 29, 2010 and pay for the transfer of his CPA license to North Carolina at an estimated cost of \$500.

SECOND – Commissioner Nelder

VOTE - Unanimous

2/15/11

DATE:

IMPROVEMENTS

TOWN COUNCIL  
SIGN IN SHEET

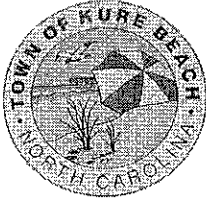
NAME	ADDRESS
Dolores Cox	217 S FH Fisher Blvd
Ron Winson	217 S FH Fisher Blvd
(Sim)	
(Senny)	Coordinate with Newsletter →
	(In week - April)

Dave Cox

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Commissioner Nelder stated that Arlen (Copenhaver) has increased our professionalism in what we do in Town Hall.

CLOSED SESSION

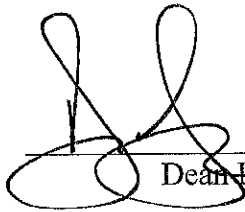
None

ADJOURNMENT

MOTION – Commissioner Swearingen made the motion to adjourn at 8:10 pm.

SECOND – Commissioner Nelder

VOTE – Unanimous

  
\_\_\_\_\_  
Dean Lambeth, Mayor

ATTEST:   
\_\_\_\_\_  
Nancy Avery, Town Clerk

