

Minutes



REGULAR MEETING

APRIL 17, 2012 @ 6:30PM

The Kure Beach Town Council held their regular Council meeting on Tuesday, April 17, 2012, at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum of Council present.

COUNCIL MEMBERS PRESENT

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Emilie Swearingen
Commissioner	David Heglar
Commissioner	Steve Pagley

STAFF PRESENT

Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:31 pm, delivered the invocation and led everyone in the Pledge of Allegiance.

OPENING OF PUBLIC HEARING

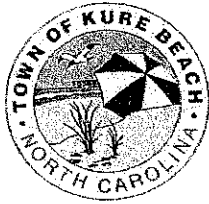
Mayor Lambeth called the public hearing to order at 6:32 pm stating it was being held to receive public comments on a proposed ordinance amendment to the Code of Ordinances, Chapter 19 (Zoning), regarding the use of Alternative Energy in Kure Beach. The proposed ordinance provides standards to facilitate use of solar energy equipment in a manner that minimizes visual impact and the potential for nuisance, includes provisions for setback and height requirement compliance, supplies definitions for roof mounted and ground mounted systems, provides permitting, replacement and repair guidelines and prohibits the use of wind systems. Notice of this hearing was posted at Town Hall on March 28, 2012 and advertised in the Island Gazette newspaper on March 28 and April 4, 2012 as per General Statute 160A-20.

Public Comments

Bob Ginsberg, 805 Mississippi Avenue:

- He'd like there to be a Grandfather Clause included in the ordinance since he already has his solar system in place and doesn't want to have to get a permit for something he already has.

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- People can buy shingles nowadays that generate solar energy and cover their whole roof with them. The Town may not want to prohibit those types of solar systems.

Craig Galbraith, Chairman, KB Planning and Zoning Commission

- The commission didn't address a Grandfather Clause in the proposed ordinance because right now there are only about four solar systems being used in Kure Beach. We're not sure if any of them would be out of conformance with this ordinance.
- We are aware there are other types of solar systems becoming available, but we didn't address shingle systems, blinds, or things like that because they are usually accepted in other towns' solar system ordinances.
- There are two things that should be changed in the proposed ordinance under Definitions:
 1. It should be noted that the 110% is for residential as well as commercial buildings.
 2. There should be a definition that Ground Mounted Systems are any systems not installed on the primary residential and commercial buildings.

Commissioner Heglar read from Section 4B of the proposed ordinance which states that a permit to repair or replace the same sized solar system would not be required. He asked Mr. Ginsberg if that would meet his concerns about his current solar system.

Mr. Ginsberg said that the proposed ordinance required that the installation of new systems would require a permit. He doesn't want to have to come back and ask for another permit.

Chairperson Galbraith said that Mr. Ginsberg raised two issues. The first is that a solar system that is already installed and is conforming should not require a permit. But, if a previously installed system is non-conforming and doesn't fit the criteria, then a Grandfather Clause may be needed. The commission didn't address non-conforming issues for already established systems in its proposed ordinance. He said he wasn't sure if Mr. Ginsberg's system was non-conforming.

Commissioner Heglar said if he had something on his property that was already established before an ordinance was put in place about it, he would like to keep it as-is. He asked what the length of life for a solar system is.

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Chairperson Galbraith said they usually last about 20-25 years for active panels.

ADOURNMENT OF PUBLIC HEARING

As no one else indicated their intent to speak, the Mayor asked for a motion to close the public hearing.

MOTION – Commissioner Heglar made the motion at 6:40 pm to close the public hearing.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA

1. Accept resignation of Sandra Sink from Beach Protection Committee. Vacancy to be advertised on Town website.
2. Inspections Department Report March 2012
3. Finance Department Report – 7/1/11 to 4/10/12
4. Fire Department Report March 2012
5. Meeting Minutes:
 - March 20, 2012 closed session
 - March 20, 2012 regular
 - March 29, 2012 closed session
 - March 29, 2012 special meeting

MOTION – Commissioner Pagley made the motion to approve the Consent Agenda.

SECOND – Commissioner Swearingen

VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Lambeth asked that two changes be made to the Agenda. Under Committee Business, Item 3 should be the Community Center Committee's Rental Fee Change Request, and Item 4 should be Parks & Recreation Introduction of New Intern.

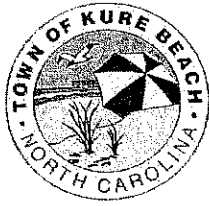
Commissioner Heglar added Item 1 under New Business, Hurricane Information Meeting Schedule and Advertising.

MOTION – Commissioner Heglar made the motion to approve the agenda, as amended.

SECOND – Commissioner Swearingen

VOTE – Unanimous

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DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Brant Barnwell, Chairman, Kure Beach Marketing Committee

Chairman Barnwell gave a PowerPoint presentation that included an overview of what the Marketing Committee had accomplished over the last 12 months.

- Reviewed Room Occupancy Tax information of New Hanover County and Kure Beach for the last three fiscal years.
- Working in conjunction with the New Hanover County Tourism Development Authority (TDA), Clean Designs was hired to help market the Wilmington and surrounding beach towns to increase shoulder season stays, increase first time visitors and increase awareness of Kure Beach.
- He reviewed the strategies used in marketing Kure Beach in order to get more "heads on beds."
- The town's primary target group was identified as families with young children.
- The town's proximity to other well-known locations such as the Triangle, downtown Wilmington, the Fort Fisher Aquarium and the Fort Fisher Historic Site were used in marketing the town.
- Kure Beach is now represented more clearly on the newly revamped Convention and Visitors Bureau (CVB) website.
- FaceBook, Twitter and Pinterest are being used to promote the town and Kure Beach also has a mobile skin for their www.visitkurebeach.org site.
- "Cape Fear" had been replaced with "Wilmington and Beaches" when referring to the CVB. He had hoped that the beaches would get at least name recognition in that title, but he said it's better than just being referred to as the Cape Fear region, since a lot of people don't understand what that is.

Mayor Lambeth praised Chairman Barnwell and the Marketing Committee for their hard work and dedication in doing so much to promote the town.

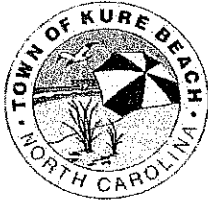
Commissioner Swearingen encouraged people to go online and see the CVB website to see how much has been added to the information on Kure Beach. She said when one looks at what other towns are spending on their websites and marketing compared to what the CVB spent to advertise our town, it was well worth the price.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. John Batson, President of the Got 'Em On Live Bait Club

Mr. Batson told Council that the Cape Fear Disabled Tournament will be held at the Kure Beach Fishing Pier on May 11. There are usually about 300+ special needs participants.

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Every year during the tournament, the westbound lane of K Avenue between Atlantic Avenue and Fort Fisher Boulevard is closed down to make room for the event. He requested permission from Town Council to allow it to be closed down from 4:00 am to 2:00 pm.

MOTION – Commissioner Heglar made the motion to give permission to close the westbound lane of K Avenue, between Atlantic Avenue and Fort Fisher Boulevard, on May 11 from 4:00 am to 2:00 pm to support the Cape Fear Disabled Tournament.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Mr. Batson said that, in order to raise money for the Cape Fear Disabled Tournament, Alan Votta of Alan Votta Construction built a playhouse to be raffled off. It is a big gesture of support and has brought in a lot of money in the past. In conjunction with this, Bud & Joes is putting on a pig-pickin' on April 28. To be able to eat, you have to purchase a raffle ticket. He asked for Council's permission to allow Bud & Joes to serve beer from 4:00 pm to 9:00 pm for the event. They will fence off the empty lot next to their establishment for the event. A bartender will serve the beer and they will obtain all of the permits that are required. He said he spoke with the Chief Cooper who is fine with it as long as Mr. Batson is present during the event.

MOTION – Commissioner Heglar made the motion to approve a fundraiser pig pickin' event on a private lot in downtown Kure Beach, sponsored by the Got 'Em On Live Bait Club to benefit the Cape Fear Disabled Tournament, on April 28, 2012 from 4:00 pm to 9:00 pm, including beer sales, as authorized by the New Hanover County ABC board.

SECOND – Commissioner Swearingen

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

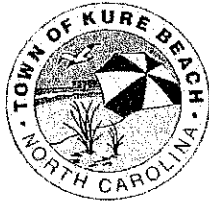
1. Board of Adjustment (BOA)

Council interviewed Bryant Bass for appointment as an alternate member.

Mayor Lambeth asked Mr. Bass to step up to the podium and tell the Council members why he feels he would be an outstanding member on the BOA.

Mr. Bass said that he is already a member of the community and a volunteer for the KB Fire Department. He is the father of four and owns his own business. He is involved in the community and is aware of its codes and ordinances. He has to attend educational

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programs in regards to building for updates on State regulations and compliance issues. He feels he would be a good fit for the board with his construction experience.

Commissioner Heglar asked him if he knew how many cases had been heard on the BOA.

Mr. Bass said he thought the BOA probably heard about two or three cases per year. He said he would be fair in deciding on cases, depending on the situation.

Commissioner Heglar told Mr. Bass that the town has held the line on its building codes and ordinances.

MOTION – Mayor Pro Tem Keener made the motion to appoint Bryant Bass as an alternate member of the BOA.

SECOND – Commissioner Heglar

VOTE – Unanimous

2. Wilmington Metropolitan Planning Organization (WMPO) Bicycle and Pedestrian Committee

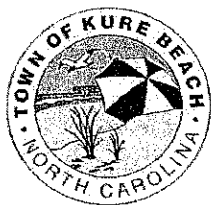
Council interviewed Al Sharp for appointment as member.

Mayor Lambeth asked Mr. Sharp to step up to the podium and tell the Council members about his qualifications and background.

Mr. Sharp said that he has been a property owner in Kure Beach for about 12 years and he is semi-retired. He was the Executive Director of the Charlotte Council of Governments, he was a county manager in two North Carolina towns and was an assistant county manager in a town located near Washington DC. He said he fully understands how policies relating to public service work and how important it is to follow protocol. He said he applied for the position because he wants to serve Kure Beach. He is involved with biking but is reluctant to use Dow Road in its current state. He does, however, ride his bike in less hazardous areas.

Mayor Lambeth said that the Town assumes it's going to get a bike path along the side of Dow Road and would like the person who is appointed to the committee to represent the Town's ideas, not his or her own ideas.

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Commissioner Heglar asked Mr. Sharp if he understood his job as a representative of the Town.

Mr. Sharp said he expected to be responsible for communicating the wishes of Town Council to the committee and communicating information from the committee back to Town Council. He feels he would be a good advocate for the Town's wishes.

Commissioners Heglar and Swearingen both expressed their disappointment with the previous committee representative stating that he didn't follow Council's desires and never communicated to Council what was being said at the committee meetings or what decisions were being made.

Commissioner Swearingen said she would like Mr. Sharp to report to Council at least every quarter to tell them what is happening in the meetings. She reminded the public that a planning workshop was being held tomorrow at Carolina Beach Town Hall with the Comprehensive Greenway Project Committee and encouraged the public's attendance.

MOTION – Commissioner Swearingen made the motion to appoint Al Sharp to be the Town's representative on the Wilmington MPO Bicycle and Pedestrian Committee.

SECOND – Commissioner Heglar

VOTE – Unanimous

3. Community Center Committee - Rental Fee Change Request

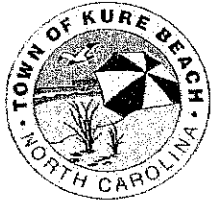
The Kure Beach Community Center presented a request to Council to increase their rental fees as follows:

<u>Rental Fees</u>	<u>Current</u>	<u>Newly Approved</u>
KB Res/Propty Owner	\$40 per hour (2 hr. minimum)	\$100 per hour (2 hr. minimum)
Non-resident	\$40 per hour (2 hr. minimum)	\$100 per hour (2 hr. minimum)
Commercial Org for profit	\$40 per hour (2 hr. minimum)	\$100 per hour (2 hr. minimum)
*501(c)3 Non-profit Org	\$20 per hour (2 hr. minimum)	\$40 per hour (2 hr. minimum)
<u>Deposits</u> change from \$100 per day for all categories to \$250 per day for all categories		

Mayor Lambeth asked who the \$100/hour rate would affect.

The committee's chairperson, Charlotte Philemon, said it would only effect facility renters and would not apply to Parks and Recreation instructors or the Aikido instructor.

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The committee's secretary, Donna Budd, said that the rent for the center was too low. The committee was told by other jurisdictions that they should charge more rent. Currently, there are about five non-profits organizations that rent the center, but it's not the majority of the rentals. She said they don't believe it will reduce the amount of rentals they book if they raise the rent.

Commissioner Swearingen suggested rewording the 501(c)3 requirement, since churches are non-profit but are not under the 501(c)3 status.

MOTION – Mayor Pro Tem Keener made the motion to approve the proposed rental fee increase as requested by the Kure Beach Community Center Committee with the stipulation that they not distinguish non-profits as only 501(c)3 organizations.

SECOND – Mayor Lambeth

VOTE – Unanimous

4. Parks & Recreation Advisory Board - Introduction of new intern
Craig Bloszinsky, the co-chairman of the Parks & Recreation Advisory Board, reviewed the history of obtaining an intern from UNCW. He introduced Thomas Bartolotta who will start his internship with the Town on May 15.

Mr. Bartolotta said he had a degree in hospitality and decided to go back to school and earn his degree in recreation. He said he was looking forward to imparting his ideas to the board and Council. He said he is 100% approachable and would welcome ideas on how to improve Parks & Recreation in Kure Beach.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Alternative Energy

Draft amendment to the Code of Ordinances, Chapter 19, (Zoning), Article IV (Supplemental District Regulations), to add Section 341 on Solar Energy

Commissioner Heglar said that, after hearing the information that was given during the public hearing, he suggested the Planning and Zoning Commission (P&Z) incorporate a grandfather clause, expand the definition of ground mounted systems. He recommended changing the percentage prohibited for systems from over 110% to over 150% under the definition.

MOTION – Commissioner Heglar made the motion to return the draft amendment back to P&Z to incorporate a grandfather clause, to expand the definition of Ground Mounted Systems to be defined as any system not installed on the primary residential or

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commercial building and to correct the prohibition of systems to be above 150% instead of 110% in the definition.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. Paid Parking

Commissioner Heglar recommended that, based on the input from everyone during the public hearing regarding paid parking, Council shouldn't pursue the issue of paid parking.

MOTION – Commissioner Heglar made the motion to not move forward in any way with paid parking at this time.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

3. Parking bumpers on E Avenue

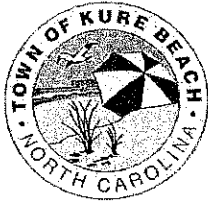
Tony Gonsalves, Chairman of the Shoreline Access and Parking (SLAP) Committee, read the committee's mission statement to Council. He read the Town's Land Use Plan under Public Access Policy, #8 Availability: Parking. It states it is the policy of Kure Beach to provide parking for residents and visitors convenient to public access sites. He showed the map that was done in 2000 and pointed out the six parking spaces that were planned to be installed that year. He said the SLAP Committee held its monthly meeting and about eight people from the adjacent area came to the meeting to voice their concerns. None of them were in favor of the bumpers. He pointed out that people already park there when the CAMA access parking gets filled, even though there are no bumpers there now. The SLAP committee still wishes to install parking bumpers on E Avenue to provide order in an area where people are parking haphazardly and creating safety issues. The MPO study, done in 2009, also recommended putting bumpers at that location.

Commissioner Heglar said he lives on E Avenue and understands that people are parking there during the season, even though there are no bumpers there. He explained that the citizens in that area don't want bumpers because they feel it would encourage people to park there. They know that people park there anyway and they don't complain about that; but, they don't want it to be encouraged by putting bumpers there.

MOTION – Commissioner Heglar made the motion that bumpers not be placed on E Avenue.

SECOND – Commissioner Swearingen

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VOTE – Unanimous

4. KB Community Center Committee proposal to allow beer and wine at facility. Mayor Pro Tem Keener thanked Town Clerk Avery and Town Attorney Canoutas for reviewing the committee's proposal, making suggestions and outlining their concerns. He asked committee secretary, Donna Budd, if the committee disagreed with the suggestions.

Ms. Budd said they were concerned with the amount of liability insurance that a person would be required to provide for events with alcohol. She said that no other jurisdiction they've spoken with has required liability insurance. Instead, there is usually a waiver the renter is required to sign. New Hanover County only requests that caterers should have liability insurance, and we've put that in our proposal. We've also stated in the contract that the Town and its employees will not be liable. The committee feels it would be a hardship on people to be required to provide \$1M in liability insurance. She said the committee is only asking for a trial run and the Town can always go back and change things that aren't working. They agree that the statement about being inebriated is vague. The information about paid security wasn't in there before, but they included it to see if the Police Department had an opinion about it.

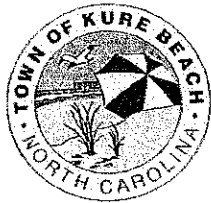
Town Attorney Canoutas said the reason the Town needs to make liability insurance mandatory is because it could still be sued if there was under-aged drinking or if someone drove off from the party and killed someone.

Ms. Budd said that the committee had expected that any Town events that served alcohol would be covered under the Town's liability policy. She said they will always ask Council for approval for any Town event that will serve alcohol and they would obtain an ABC permit, as well.

Town Clerk Avery said that the Town has its own liability insurance, but it doesn't cover alcohol use in Town buildings. Two ordinances will have to be amended to allow that and then, if there are Town-sponsored events that serve alcohol, we will need to obtain liability insurance to cover those events.

Ms. Budd asked about the issue of security being provided for events and whether renters should be directed to the KB Police Department or should be required to provide their own security.

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Town Attorney Canoutas said the language suggested by the committee makes it sound like the Town would be responsible for directing the renters whether or not they need security for events serving alcohol. The Town doesn't want to be in the middle of having to decide if it should be provided.

Ms. Budd said her committee would like to make the corrections that Council requested and bring it back to the next Council meeting.

Mayor Pro Tem Keener asked Town Attorney Canoutas to work on proposed amendments to the Town's ordinances regarding alcohol in Town facilities.

Commissioner Heglar said he was not in favor of Town-sponsored events serving alcohol, but he wasn't opposed to renters having it. He proposed that the committee move forward with the changes that the Town Clerk and Town Attorney suggested and bring back their revisions for consideration by Council.

MOTION – Commissioner Heglar made the motion to have the Kure Beach Community Center Committee make the requested corrections that the Town Attorney and Town Clerk recommended, as follows: it will be mandatory for renters serving alcohol to provide their own liability insurance for \$1 M; security should not be at the discretion of the Town, it should be at the discretion of the Lessee; clean up the lease to not distinguish non-profits as only 501(c)3 organizations; fix the rental fees that Council just approved; remove the last sentence in the second paragraph that reads “no person under the influence of alcohol beverages or drugs is allowed in the building.”

SECOND – Commissioner Swearingen

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to direct the Town Attorney to review the two ordinances regarding alcohol usage on Kure Beach property in order to recommend changes to Council and present them at the next Council meeting.

SECOND – Commissioner Pagley

VOTE – Unanimous

5. Four requests from the KB Storm water and Environmental Committee
 - a. Free yard debris pickup – The committee asked that the Town provide free yard debris pickup to its residents.

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Commissioner Heglar said if the Town agrees to do free yard debris pick up, the cost will be spread to people who don't use the service. He feels the pickup fee is reasonable and spreading the cost to everyone isn't the right thing to do.

Commissioner Swearingen said last year Council looked at doing this, and they asked Finance Office Copenhaver what it cost the Town for one free debris pickup. It was an exorbitant amount which is why we decided last year to not do any more than the annual free pickup.

MOTION – Commissioner Pagley made the motion to continue with one free debris pickup per year.

SECOND – Commissioner Heglar

VOTE – Unanimous

b. More frequent non-recyclable material pick up – The committee asked for Council to request New Hanover County (NHC) to schedule more frequent pickups of non-recyclable items at locations more convenient to residents of Pleasure Island.

Mayor Lambeth said he would be seeing the NHC Chairperson tomorrow afternoon, and he would mention this to him.

CONSENSUS – No formal action at this time.

c. Recycle bins at beach accesses – The committee asked that Council agree to put recycle carts at the public beach accesses, as was done in the past.

Council authorized staff to remove 25 recycling carts from beach accesses last October as they were being used for garbage and trash. Public Works had to empty them because they were contaminated and Waste Management would pick them up. The estimated annual cost per cart is \$240.

Commissioner Swearingen said that Council agreed to place recycle carts at the public beach accesses again. She said the old recycle carts were never clearly marked, but the new carts are marked and it will be obvious that they are recycle carts. She wanted Public Works Director Beeker to work with Waste Management to provide better signage for the carts.

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Commissioner Heglar said that the Town has a responsibility to try and recycle as much as possible. Even if people use the container incorrectly and the Town has to dump it, at least the garbage isn't being thrown on the ground. They should be put at the public beach accesses.

Commissioner Swearingen wanted to know where the \$240 per cart figure came from since Public Works Director Beeker never mentioned that to her when she has talked with him.

Town Clerk Avery reminded Council that the Public Works Department has nothing to do with the recycling. Town Administration is responsible for working with Waste Management for recycling. She said last year it cost the Town \$6,000 per year to have 25 recycle carts serviced at the public beach accesses. The \$240 per cart figure is the cost Waste Management presented to the Town to provide recycle service at the beach accesses. She asked what kind of cart Council wanted, how many carts they wanted and where they wanted them to be placed.

Commissioner Heglar said that Council wants them placed at each public beach access. The accesses are located at the end of each street in the south end of Town and are also those accesses located along Atlantic Avenue. He recommended letting Waste Management recommend to the Town what sort of cart should be placed at the locations; whether industrial recycle carts or the carts currently used by residents.

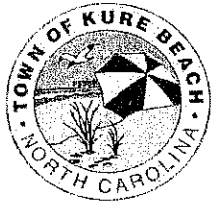
CONSENSUS - Town Clerk Avery will obtain from Waste Management their recommendation on what type of cart should be placed at each public beach access of the Town, and what it will cost the Town for the carts and service.

Town Clerk Avery also wanted to inform Council that, budget-wise, with what the Town is charging right now for residential and commercial recycle pickup, the Town is just breaking even. This doesn't include the expense of providing recycle carts at beach accesses.

Commissioner Heglar asked Town Clerk Avery to request the Finance Officer factor that in during the budget planning process.

d. Dog waste stations – The committee asked that more dog waste stations be placed throughout the town. They didn't provide the locations or the overall cost of this in their request.

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MOTION – Commissioner Heglar made the motion to direct the Stormwater & Environmental Committee to obtain the cost of dog waste stations and put this in as part of their budget request.

SECOND – Mayor Lambeth

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Hurricane Information Meeting Schedule and Advertising

Commissioner Heglar requested that Council review the current Emergency Operations Plan and give him feedback the week before the next Council meeting so he can get the plan ready and present it to Council for approval. He also requested Council's permission to advertise Hurricane Information Sessions.

MOTION – Commissioner Heglar made a motion to direct the Town Clerk to advertise two Hurricane Information Sessions for the public to attend. One will be on May 16 at 6:00 pm, and one will be on May 19 at 10:00 am.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Mayor Lambeth read a letter from Governor Purdue announcing that \$50,000 in financial assistance was awarded to Kure Beach by the state for the Dow Chemical Beach Intake Removal Project. He said he expected to receive another \$50,000 from the state on top of this. The project has already been estimated to cost \$100,000 to complete.

ADJOURNMENT

MOTION – Commissioner Heglar made the motion to adjourn.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Meeting adjourned at 8:20 pm.

Deah Lambeth, Mayor

Nancy Hewitt, Deputy 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.

