

# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

The Kure Beach Town Council held their regular Council meeting on Tuesday, May 15, 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

## **COUNCIL MEMBER ABSENT**

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 6:30 pm, delivered the invocation and led everyone in the Pledge of Allegiance.

**MOTION** – Mayor Pro Tem Keener made the motion to excuse Commissioner Pagley from the Council meeting.

**SECOND** – Commissioner Heglar

**VOTE** – Unanimous

## **RECOGNITION AND AWARDS**

Mayor Lambeth read aloud Proclamation 12-02, proclaiming May 19 to May 25, 2012 as National Safe Boating Week. He presented the proclamation to Doug Murray of the Cape Fear Sail & Power Squadron.

Mr. Murray thanked Council and said that, although life jackets are required to be carried on a boat, adults aren't required to wear them at all times. But, several accidents have occurred where adults were knocked unconscious while not wearing their life jackets or were unable to get to a life jacket during an emergency. He asked people to consider wearing life jackets at all times while boating.

Said proclamation is herein incorporated as part of these minutes.

## **APPROVAL OF CONSENT AGENDA**

1. Accept resignation of Mitch Klein from the Beautification Committee and the Shoreline Access and Parking Committee. Vacancies to be advertised on Town website.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

2. Accept resignation of Tim Bullard from the Planning & Zoning Commission. Vacancy to be advertised on Town website.
3. Proclamation 12-02, recognizing May 19–25, 2012 as National Safe Boating Week
4. Approval of the 2012 Emergency Operations Plan
5. Budget Amendment 12-09 for \$10,790
6. Finance Report – 7/1/11 to 5/8/12
7. Building Report – April 2012
8. Meeting Minutes:
  - April 12, 2012 Budget Session 1
  - April 17, 2012 Public Hearing – Paid parking
  - April 17, 2012 Regular meeting, beginning with Public Hearing on Alternative Energy
  - April 26, 2012 Budget Session 2

MOTION – Mayor Pro Tem Keener made the motion to approve the Consent Agenda.

SECOND – Commissioner Heglar

VOTE – Unanimous

Mayor Lambeth asked the Deputy Town Clerk to order an appreciation plaque for Tim Bullard, former member of the Planning and Zoning Commission, to be presented to him at the next Council meeting.

MOTION – Commissioner Heglar made the motion to direct the Deputy Town Clerk to order an appreciation plaque for Tim Bullard to be presented to him at the next Council meeting.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

## ADOPTION OF THE AGENDA

Commissioner Heglar asked that Annual Hurricane Letter be put under New Business, Item 2.

Commissioner Swearingen asked that Comprehensive Greenway Plan Update be put under Committee Business, Item 5.

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

SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Donald Lindsay – 311 Atlantic Avenue, Kure Beach



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

- He has concerns about the new, off-street parking area at 313 Atlantic Avenue, and wants to know if it meets Town code regarding dimensions and the number of cars that can park there.
- He said the residents also park their cars extending out into the right of way, and he is concerned that emergency vehicles will have difficulty passing the house.
- He sent an email to the Building Inspector with his questions and concerns on March 20, 2012 and didn't receive an answer. He said he also met with the Building Inspector in his office and asked for the Mayor to respond but didn't get an answer. He then sent an email to Council last week.
- He feels he should have gotten an answer within a reasonable amount of time and it has been almost two months since his initial inquiry.

Building Inspector Batson said that the Town ordinance stipulates that in the first three bedrooms of a residence, you're required to have two parking spaces. For each additional bedroom, you're required to have one additional space. He wasn't sure about the dimensions of the parking space for this situation but Town ordinances stipulate how big parking spaces have to be.

Commissioner Heglar proposed that the Building Inspector and the Town Attorney draft a response letter to Mr. Lindsay in the next week.

MOTION – Commissioner Heglar made the motion to direct the Building Inspector and the Town Attorney to draft a letter in the next week to Mr. Lindsay, answering his question of whether the off-street parking spaces at 313 Atlantic Avenue meet with Town code; and they are to copy Council on the letter.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

## 2. Don Morrow – 524 N. 5<sup>th</sup> Avenue, Kure Beach

- He has a small business he operates out of his own home and has a Kure Beach privilege license.
- He asked that his business be allowed to advertise at the bottom of the weekly Town News email but was told only brick and mortar businesses could advertise, per Council's instructions.
- He talked to Mayor Lambeth about it and the Mayor told him to come to tonight's meeting to ask Council to consider allowing him to advertise in the weekly email.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Council interviewed Leanne Lawrence for appointment as a member on the Wilmington Metropolitan Planning Organization's Citizens Advisory Committee (CAC) to represent the Town.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

The Mayor called Ms. Lawrence to the podium and she explained to Council her qualifications, background and reasons for wanting to serve on the committee.

- She has been a resident of Kure Beach for 15 years.
- She is a licensed architect in NC and has been practicing for 17 years.
- She feels her planning experience and background would be helpful to the CAC.

Commissioner Heglar asked what she understood her role would be as a representative of the Town on a non-Town committee.

She stated that the CAC looks at traffic and transportation which, in today's society, is the backbone of how we live. Her role would be to represent the views and opinions of the Town of Kure Beach. She said she could bring her understanding of design and master planning to the group; it isn't her goal to represent her own views but to represent the views of the Town.

Commissioner Heglar asked what she would do if she had one view and Council had a different view.

She said she would sit down with Council and find out how Council would want her to represent the community.

Mayor Lambeth said he thought it would be a great advantage to have Ms. Lawrence on the committee.

MOTION – Commissioner Heglar made a motion to appoint Leanne Lawrence to the Wilmington Metropolitan Planning Organization's Citizens Advisory Committee.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

2. The Kure Beach Community Center Committee presented its revised proposal to allow beer and wine at the center. Two ordinances regarding alcohol on Town property also had to be amended to accommodate this.

Mayor Pro Tem Keener reviewed the request for allowing alcohol usage at the Community Center. He said that the revised policy is to only allow alcohol use for people who are renting the facility, as was the original request from the committee. He said that by only allowing rentals to serve alcohol, the Town won't have to worry about getting additional insurance. As far as Town-sponsored events having alcohol, he suggested tabling that issue until more consideration and research could be done. He said he was concerned about who would be responsible for following up on the liability insurance from renters and if the Town Clerk can figure out how the paperwork is to be handled, he was ready to vote for approval.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

MOTION – Commissioner Heglar made the motion to amend ordinances Chapter 12 (Parks & Recreation), Article III (Community Center), Section 55, by deleting Subsection 1; and amend Chapter 3 (Alcohol Beverages) Section 1 (drinking malt beverages and unfortified wine on public streets), subsection (a) by adding the following language at the end: “excepting there from, The Kure Beach Community Center which will operate under the General Policy Provisions for the Rental of Kure Beach Community Center adopted by the Kure Beach Council and a copy of the Policy will be on hand for review in the front office of Town Hall.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Said ordinances are herein incorporated as part of these minutes.

MOTION – Commissioner Heglar made the motion to approve the revised General Policy and Provisions for Rental with one change: on page two, the second sentence should be changed to read “general AND LIQUOR” liability insurance.” Council will review this provision at its May 2013 Council meeting.

SECOND – Mayor Lambeth

VOTE - Unanimous

(Note: this allows only private rentals to serve beer and wine.)

3. The Planning & Zoning Commission asked Council to approve a draft amendment to Chapter 19 (Zoning) of the Code of Ordinances, Article IV (Supplemental District Regulations), to add a new section 341 on Solar Energy.

Chairman Galbraith said the commission has been working on the draft ordinance for a couple of months and they adopted into the draft the recommendations that Council made during the public hearing. He said two people who manufacture wind systems came to the Planning and Zoning Commission’s last meeting to talk with them. They were also invited to come to tonight’s Council meeting but didn’t come. He gave Council a handout on issues related to wind turbines in Kure Beach and said that the commission doesn’t think wind systems would be a good fit for the Town.

MOTION – Commissioner Heglar made the motion to adopt the draft amendment to Chapter 19 (Zoning) of the Code of Ordinances, Article IV (Supplemental District Regulations), to add a new section 341 on Solar Energy, as presented by the Planning and Zoning Commission.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Said ordinance is herein incorporated as part of these minutes.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

#### 4. Shoreline Access and Parking (SLAP) Committee

- a. Chairperson Tony Gonsalves addressed the installation of a sidewalk on the north side of K Avenue and the study results from Department of Transportation (DOT) on potential drainage issues related to the installation of the sidewalk.

He said SLAP met with the DOT and, according to the study, putting the sidewalk in would not affect drainage problems any more than what is happening now without a sidewalk. Therefore, SLAP would like Council to approve the project.

Commissioner Heglar said he was ambivalent about the sidewalk because all but one person that attended the public hearing didn't want it. He was also concerned about the financial output.

Chairperson Gonsalves said the sidewalk project would cost \$15,000 which is coming from the Powell Bill Fund. He hoped it wouldn't cost any more than that but, as with any other construction project, that was hard to determine. The sidewalk will be located 10 feet away from the street, will be 5 feet wide and ADA compliant.

Discussion ensued about the corral parking entrance and whether a driveway needed to be in place before the sidewalk is built. Mayor Pro Tem Keener stated he wanted to table the project until the corral entrance issue is resolved so both projects could be done at the same time.

Chairperson Gonsalves said it might be another few months before the Town Clerk gets an answer from AT&T about the entrance into the corral.

Mayor Pro Tem Keener wanted to know if the only purpose for the sidewalk was to reach the corral parking area.

Town Clerk Avery said that the sidewalk isn't for the corral, but it is part of the Land Use Plan, the NC State School of Government plan, the B-1 study, and it is part of Council's direction to Planning and Zoning to bring the business district up K Avenue.

Mayor Pro Tem Keener said that many plans were discussed as far as measurements for the sidewalk and this is the best compromise and the best plan the Town has had.

Commissioner Swearingen said her biggest concern is that the project might exceed \$15,000. She doesn't want to go over that amount, even a little bit.

Town Clerk Avery reminded Council that the \$15,000 is Powell Bill money that can only be allocated for this type of project.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

MOTION – Mayor Pro Tem Keener made the motion to proceed with the installation of the sidewalk on the north side of K Avenue with costs not to exceed \$15,000.

SECOND – Mayor Lambeth

VOTE – Unanimous

b. Crosswalk requested by Kure Dunes HOA

Town Clerk Avery and SLAP Chairperson Tony Gonsalves said that the Kure Dunes Homeowner's Association (HOA) asked the DOT to install a crosswalk going across Fort Fisher Boulevard to its beach access. The DOT is requesting a letter from the Town stating it approves of the crosswalk installation. The HOA will pay for the crosswalk.

Commissioner Swearingen asked Chairperson Gonsalves to caution the HOA that just because there will be a crosswalk there, it doesn't guarantee drivers will stop and let pedestrians go across.

MOTION – Commissioner Heglar made the motion for Council to support the Kure Dunes HOA request to DOT to install a crosswalk on Fort Fisher Boulevard to the Kure Dunes private beach access, at the HOA's expense.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

## 5. Comprehensive Greenway Plan Update

Commissioner Swearingen reported that the Comprehensive Greenway Planning Committee (CGPC) held three public meetings across the County. The meetings were scheduled to get people's input before a plan is drawn up and the draft plan will not be complete until the end of the year. She said that at the public meeting in Carolina Beach, Mike Kirkbride, a resident from Carolina Beach, laid out his plan for the Pleasure Island Greenway. His plan takes the greenway from over near Harper Avenue, in through Carolina Beach to Alabama Avenue, then behind Settlers Lane to the neighborhoods located south of K Avenue and all the way down past Fort Fisher. Mike Kozlosky, Executive Director of the Wilmington Metropolitan Planning Organization pointed out to Mr. Kirkbride that his plan wasn't the CGPC's plan. He asked Mr. Kirkbride to remove the plan and not show it any more.

Commissioner Swearingen said it was very obvious from the meeting that people would like to come to Pleasure Island on their bicycles and they like coming to Kure Beach. She said that Mr. Kirkbride was presenting his plan by asking people if they'd rather have their little children riding on the bike lane on Dow Road or if they'd rather have them riding through a safe neighborhood on a greenway. She said she tried to explain that the bike lane will come as Dow Road is repaired, but the planning committee isn't talking about the bike lane. It is talking about a multi-purpose path for bikes, joggers, walkers, etc., which will be our greenway. It will go



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

from the north end of Dow Road all the way to K Avenue, and you can ride bikes on it. She said it is supposed to be off of the road like what Wilmington has going along 17<sup>th</sup> Street that leads to a nearby park. The draft greenway plan for Kure Beach would come down to Joe Eakes Park then go through some of the back neighborhoods south of K Avenue. She said she doesn't know if the people who live in that area even know what is being tentatively planned.

Commissioner Swearingen asked for a recommendation from Council giving them one of three choices:

- 1) Do nothing and let the Comprehensive Greenway Planning Committee decide
- 2) Select one or both of the plans that have already been presented: the one from DOT that goes down Dow Road, or the one that goes behind Settlers, or both
- 3) Hold a public hearing to get the community to look at the draft plans and maps and receive their input.

Mayor Lambeth said that the DOT has already got a plan for two bike paths along Dow Road.

Commissioner Swearingen said, "Well that's a bike lane and the multi-purpose path is in that plan and it doesn't go any further than K Avenue."

Commissioner Heglar said he wasn't sure if the citizens wanted bike riders being routed through their neighborhoods. He said he didn't mind if three or four bikers come through, but he didn't like the County presenting a plan to encourage bikers to come through the back parts of the neighborhoods.

MOTION – Commissioner Swearingen made the motion to have the Town Clerk advertise a Public Hearing to be held as the first item on the agenda at Council's June meeting to receive public comment regarding a greenway plan that benefits Kure Beach.

SECOND – Commissioner Heglar

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Admin and Finance

#### a. Submission of FY 12-13 budget message, ordinance, and Fee Schedule

Finance Officer Copenhaver gave a slide presentation to Council. He said that once the budget proposal is accepted, copies will be made available to the public and a Public Hearing will be held on June 6, 2012. Slides showed the Fiscal Year 2012-2013 goals that were set by Council during its retreat in January. He talked about the General Fund and the results of the tax revaluation. He explained the revenue neutral tax rate to clarify how it calculates and he reviewed the proposed increases and the reasons for them.





# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

Commissioner Heglar said, “If we go back 10 years, this is returning the balance of taxes back to the 1/3 to Kure Beach and 2/3 to County. If you look at the current tax rate, it’s more like 1/4 to Kure Beach and 3/4 to the County. So the new budget is how it more traditionally should be, especially if you look at the services we provide.”

Finance Officer Copenhaver showed the proposed overall revenue and expenses for budget categories under the various Town funds: the General Fund, the Water & Sewer Fund, the Storm Water Fund, the Powell Fund and the Sewer Expansion Repair Fund (SERF). He highlighted the request for increase in salaries for Town employees and the reinstatement of the Council pay. He reviewed the Outside Agency requests that were approved by Council to give money to sponsor the Summer Concert Series and the Fantasy Christmas Show. He said that the \$15,000 set aside for Carolina Beach Inlet dredging will not be expended in the current year, so funds will be moved to, and used in, the upcoming fiscal year.

Commissioner Heglar asked Jim Dugan, the Town’s representative on the Ports, Waterway & Beach Commission, to talk to the commission about the lopsided percentage of funding outlay coming from Kure Beach for inlet dredging compared to the contributions coming from Wilmington, Carolina Beach and Wrightsville Beach. He said that, per capita, it looks like Kure Beach is paying a lot more than the other towns.

Finance Officer Copenhaver said that this year the budget proposes \$156,000 for the contingency fund, which is a fund used for unexpected expenses. This could potentially be used for beach renourishment and a down payment for a new fire truck. He summarized the budget stating that he thoroughly reviewed the expenditures and gave reasonable, conservative estimates of revenue. He said that the budget supports the goals Council set and is responsive to the Town’s needs. He then thanked everyone who helped in planning the budget.

- b. Council authorization to Town Clerk to publish the proposed budget to the media and advertise the public hearing

MOTION – Commissioner Heglar made the motion to accept the Budget Message and Fee Schedule, as presented by the Finance Officer, and directed the Town Clerk to publish the budget and advertise for a Public Hearing to receive public comment on the FY 12-13 budget, to be held on June 5 at 6:00 pm.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

- c. Schedule special meeting for purpose of holding closed session to perform Department Head evaluations



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

Town Clerk Avery said it is that time of year again for Council to conduct employee evaluations for the Department Heads.

Commissioner Heglar asked if Council needed to decide right away what date to have the evaluations or if they could check with Commissioner Pagley who was absent from the meeting.

Town Clerk Avery said it didn't need to be decided at tonight's meeting but she would prefer that the evaluations take place before June 20, 2012.

CONSENSUS – Council directed the Town Clerk to poll all of the Council members to coordinate the best date during the second week in June to schedule a Special meeting for the purpose of holding a closed session to perform Department Head evaluations.

At this point, the Town Clerk stated that Council needed to adopt Resolution 12-03 in order to move forward with the K Avenue Sidewalk project. This resolution gives notice to the DOT to proceed with the installation of the sidewalk on the north side of K Avenue from Fourth to Seventh Avenues and allocates \$15,000 towards the installation from Powell Bill funds.

MOTION – Commissioner Heglar made the motion to adopt Resolution 12-03, requesting DOT install a sidewalk on K Avenue and recertifying that Council will allocate \$15,000 towards the installation using Powell Bill funds.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

## 2. Building Department

- Building Inspector Batson and Jim Dugan gave an update on the Ocean Front Park construction.

Inspector Batson said he was told a new pavilion slab would be in place by the end of the week. The new beach crossover is completed and the boardwalk is expected to be completed by Memorial Day weekend.

He asked for Council's direction on the following items:

- 1) Inspector Batson spoke with a local contractor who would like to build wooden benches and swings for the park. The original benches were going to cost \$938 each, and the local contractor's estimate is about half of that.

Commissioner Heglar asked if wooden benches would last as long, being made of wood.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

Mr. Dugan said the Ocean Front Park Committee originally wanted wood at the beginning planning stages of the park.

2) Inspector Batson said that there were two items that were going to go in the Tot Lot; a turtle and a fish. The fish is no longer available from the supplier. He asked if he could pick out something else to take its place.

3) Inspector Batson said it was also planned to have an 8' x 12' x 8' tall wooden pirate ship in the Tot Lot. Somehow, a new playground equipment representative has come into the mix and she has offered different alternatives for playground equipment.

Commissioner Swearingen asked who was going to build the original wooden pirate ship.

Mr. Dugan said that when the plans were originally approved by Council, the ship was going to be supplied by Withers & Ravenel (W&R). Then, we had a builder say he would build it, and we accepted his proposal. But, he has since backed out. So now our opinion is to go back to W&R for a recommendation.

Inspector Batson said that W&R found a very nice looking pirate ship that doesn't have a slide. It would cost roughly \$3,851. W&R has also given us an alternative that would cost about \$5,315. The new playground equipment representative has suggested alternatives that are made of recycled plastic. Jim Dugan, Commissioner Swearingen and Inspector Batson met with the representative who asked if they could change their plans. This was prior to the new contractor coming on board, so they told her they weren't at liberty to make any changes until they knew what would happen at that point. Since then, she has been in touch with W&R to try and work something out with them.

Mayor Lambeth asked what the representative's prices are.

Inspector Batson said he has no idea, although he has been asking for them. He showed Council some renderings from the playground representative and one of the alternatives to the pirate ship.

Commissioner Swearingen said that she got an email from Kurt from Withers and Ravenel saying that everything is changed, that they're not going to use a wooden ship and he'd like to get some information about these two items.

Inspector Batson said he got the same email and, last week, he got a phone call saying the original pirate ship wouldn't work. But then he was told yesterday and today that the ship would



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

work. Kurt says there is room for the ship, now. However, there is a shade sail that will go over the Tot Lot that might eventually come into play.

Inspector Batson asked Council if they wanted to move away from the wooden look and go with recycled plastic. He said a decision didn't need to be made right away, as long as he is given direction in the next couple of months.

Commissioner Swearingen said they need to make sure the equipment the Town gets goes well with the park's overall look.

Mayor Lambeth asked Inspector Batson to get all the details of costs, materials and designs and bring the information back to Council.

4) Inspector Batson updated Council on an issue with the new boardwalk and how it meets the street asphalt. The road along the boardwalk is uneven which is creating a tripping hazard. The road directly in front of the park will be reworked, but he is concerned about the roadway that runs along the boardwalk. The builder recommended a way to fix it by cutting out 4 feet of asphalt that runs along the 400 feet of boardwalk and repaving the 4 foot strip. When Inspector Batson checked with Public Works Director Beeker about it, Director Beeker said the whole road needed to be repaved. This would fall under acceptable uses of the Powell Fund. The engineer got an RFP from the contractor for removal of 4 feet of asphalt along the entire board walk and it would cost roughly \$13,000. We will also get an RFP to pave the entire road on Atlantic Avenue from K to L Avenue.

Mr. Dugan explained to Council that once the engineer says the boardwalk is acceptable, Council will need to vote to accept responsibility to open the boardwalk before the park is ready.

Commissioner Heglar said if Council needed to meet to open the boardwalk right before Memorial Day they should have a meeting to accept it. As soon as the boardwalk is done, he'd like Council to open it up.

Mayor Lambeth said Council could hold an Emergency meeting to vote to open it, if needed. He proceeded to the next item on the agenda, at which point Town Clerk Avery asked Inspector Batson and Mr. Dugan if there was any decision or direction that they wanted Council to make tonight regarding the items that were just discussed.

Mr. Dugan said he felt he and Inspector Batson at least got direction that Council is okay with the swings, they're okay with the benches, that we are to get back to them with costs on the ship and everybody on Council seemed okay that we make sure everything is compatible that is within the Tot Lot.



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

Mayor Lambeth said, "That's good, Nancy." (Town Clerk)

Commissioner Heglar said he was in agreement with Mr. Dugan.

Town Clerk Avery asked Mr. Dugan and Inspector Batson at that point, "So, are you coming back to them (Council) about the Tot Lot?"

Inspector Batson, Mayor Lambeth and Commissioner Heglar all said yes.

Town Clerk Avery stated, "Just so you know, there won't be anything in writing that they (Council) agreed to."

Commissioner Swearingen said, "Right."

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Durham Bulls

Commissioner Swearingen explained that the Durham Bulls gave Kure Beach 20 game tickets. She attended the game and gave away the other tickets to people who were standing in line to purchase tickets. They all sat together in the stands and she talked to them about Kure Beach. She accepted the game ball from the Bulls and the announcer told the audience about Kure Beach. A young lady was the winner of the trip to Kure Beach given away by the Bulls. She hopes to be able to meet her and introduce her to people in Kure Beach.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Weekly Town Email – advertising for non-brick & mortar businesses.

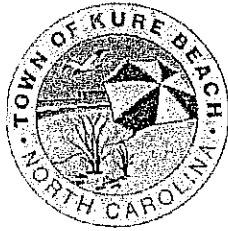
Town Clerk Avery stated that when the weekly Town email originally started, it was meant to keep people abreast of Town business. Then, Council decided they would allow businesses to advertise in it, but only brick and mortar businesses. This was so it wouldn't take a lot of time to update the email each week. Once the Town rolls out its new website, the weekly email will stop. People will be able to sign up to receive notifications right from the website on a variety of topics.

Mayor Lambeth said that since it wouldn't be that much longer before the weekly email was abolished, he thought the Town should allow anyone holding a Kure Beach privilege license to be able to advertise in the weekly email.

Deputy Town Clerk Hewitt requested that the advertisement needed to be limited to one paragraph and should be provided to her via email by the business owner.

TOWN OF KURE BEACH, NC

PROCLAMATION 12-02



**PROCLAMATION IN SUPPORT OF  
MAY 19-25, 2012 AS  
NATIONAL SAFE BOATING WEEK**

*WHEREAS*, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning; and

*WHEREAS*, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

*WHEREAS*, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

*WHEREAS*, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public;

*NOW, THEREFORE BE IT PROCLAIMED*, that the Town Council of the Town of Kure Beach, North Carolina, hereby joins the Cape Fear Sail & Power Squadron in supporting the goals of the North American Safe Boating Campaign and proclaims May 19-25, 2012 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

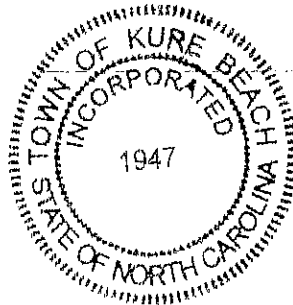
Proclaimed this 15<sup>th</sup> day of May, 2012

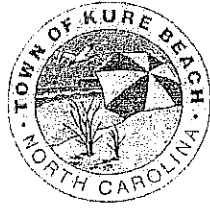
Signed: \_\_\_\_\_

Dean Kambeth, Mayor

ATTEST: \_\_\_\_\_

Nancy Avery, Town Clerk





ORDINANCE AMENDMENT

That Section 12-55(1) of the Code of the Town of Kure Beach, North Carolina, is hereby amended as follows:

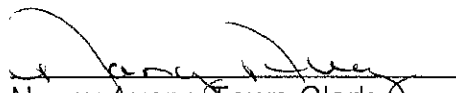
The following are hereby prohibited,

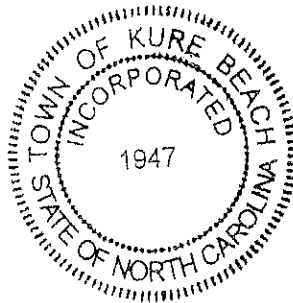
- (1) The possession or consumption of alcoholic beverages; exception, see Section 3-1(a), as amended.

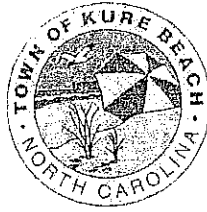
Adopted this the 15<sup>th</sup> day of May, 2012.

  
\_\_\_\_\_  
Dear Lambeth, Mayor

Attest:

  
\_\_\_\_\_  
Nancy Avery, Town Clerk



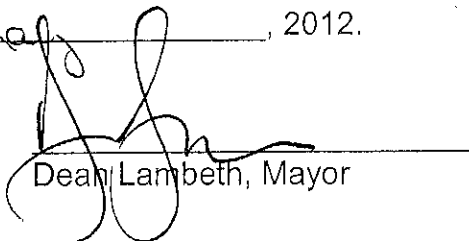


ORDINANCE AMENDMENT

That Section 3-1(a) of the Code of the Town of Kure Beach, North Carolina, is hereby amended by the addition of the following:

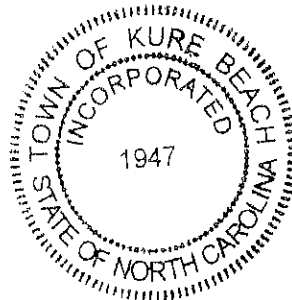
- (a) It shall be unlawful for any person to consume or drink any malt beverages, liquor or unfortified wine on the public streets in Kure Beach by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by Kure Beach; excepting, therefore, the Kure Beach Community Center which will operate under the General Policy Provisions for the Rental of the Kure Beach Community Center adopted by the Kure Beach Town Council, and a copy of the Policy will be on hand for review in the front office of Town Hall.

Adopted this the 15<sup>th</sup> day of May, 2012.

  
Dean Lambeth, Mayor

Attest:

  
Nancy Avery, Town Clerk







That the Code of the Town of Kure Beach, North Carolina is hereby amended by adding Section 341 Solar Energy to Chapter 19. Zoning, which shall read as follows:

(a) Purpose.

The purpose of this section is to provide standards for the use of solar energy equipment as accessory uses within the Town of Kure Beach. This Section seeks to protect properties from incompatible uses and to conserve and enhance property values, while promoting the use of alternative energy sources, where appropriate. This Section provides a process to facilitate the use of solar power in a manner that minimizes visual impacts of solar energy equipment and the potential for nuisance.

(b) Definition

Solar energy equipment is defined as a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat. which is located on the power beneficiary's premises; is designed and intended primarily to offset up to 150% of the beneficiary's requirements for energy consumption on site as documented through the submission of power company electricity usage bills or another form of documentation acceptable to the Town of Kure Beach Zoning Officer; and is secondary to the beneficiary's use of the premises for other lawful purposes. Systems that offset over 150% of the beneficiary's requirements for energy consumption on site are classified as commercial systems and are prohibited.

(c) Accessory Use

Solar energy equipment shall be permitted as an accessory use in any zoning district upon receipt of a permit from the Building Inspector.

(d) Exclusions from building permit requirement.

- (1) The installation of one (1) solar panel with total area of less than four (4) square feet.
- (2) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
- (3) Nonconforming solar energy equipment installed prior to the adoption of this ordinance shall be excluded from permit requirement. Solar energy system equipment that replaces 50% or more of existing solar energy system equipment installed prior to the adoption of this ordinance, needs to conform with this ordinance.

(e) Application for building Permit

- (1) An applicant who seeks to install solar energy equipment shall submit an application for a zoning permit, as provided by the Town of Kure Beach. The application shall include photographs of the existing conditions of the property as well as renderings of the proposed solar energy equipment from front street level.
- (2) *Review of Application:* Upon receipt of a completed application for the installation of solar energy equipment, the Building Inspector shall have the authority to impose reasonable conditions to safeguard the public health, safety and welfare.

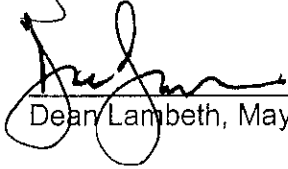
(f) Regulations and Requirements:

- (1) Solar Energy equipment shall be located in the least visibly obtrusive location where panels would be functional;
  - (2) Solar energy equipment must comply with all setback and height requirements for the zoning district in which the property is located;
- (g) **Roof Mounted Systems:**  
 All roof mounted systems must have an engineer's letter outlining suggested attachment. Roof mounted systems refers to systems mounted on the primary residential or commercial mounted systems.
- (1) It is encouraged that roof-mounted solar energy equipment shall be installed in the plane of the roof (flush mounted) or made a part of the roof design (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or would be impossible. A roof-mounted Solar Energy Facility or Structure that is to be mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed five (5) feet above the roof.
  - (2) Solar energy equipment shall be located on a rear or side facing roof, as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective or is impossible.
  - (3) Solar energy equipment shall not project vertically above twelve (12) inches below the peak of the roof to which it is attached, or project more than five (5) feet above a flat roof.
  - (4) The solar energy equipment shall not be within twelve (12) inches from the eaves of the roof or within twelve (12) inches from the overhang of the roof.
  - (5) All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and the materials adjacent to the lines.
  - (6) No roof-mounted Solar Energy equipment shall be installed on a non-conforming structure that would create more nonconformity.
  - (7) An external disconnect switch shall be provided, and the owner must file a map with the Fire and Police Departments clearly showing where the disconnect switch is located.
  - (8) At no point shall any solar equipment exceed thirty-five (35) feet in height.
  - (9) The Town of Kure Beach recognizes that there are continuous improvements in solar equipment technology. Non-reflective solar cells that are completely integrated into normal building material such as roof tiles may be exempt from Sections 7(c) and 7(d). The Building Inspector will determine if the proposed system is sufficiently integrated into the building material to qualify for this exemption.
- (h) **Ground Mounted Systems:**
- (1) The ground mounting of solar energy equipment is not allowed with the following exceptions:
    - (a) Small, incidental systems used for solar lights and landscaping, not to exceed one (1) square foot per system.
    - (b) The total combined square footage for ground mounted solar energy equipment cannot exceed four (4) square feet per property.
    - (c) Passive heating systems installed horizontally and directly over spas or pools

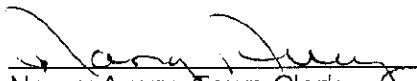
- (i) Wind Systems:  
Wind systems are not permitted in any form, in any district.

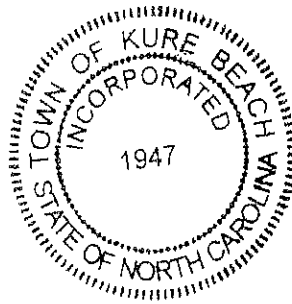
Sections 342 – 355 Reserved

Adopted this the 15<sup>th</sup> day of May, 2012.

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

Attest:

  
\_\_\_\_\_  
Nancy Avery, Town Clerk





TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R12-03

**A RESOLUTION REQUESTING DEPARTMENT OF TRANSPORTATION  
INSTALL A SIDEWALK ON K AVENUE AND RECERTIFICATION OF TOWN  
MATCHING FUNDS OF \$15,000 FROM POWELL BILL FUNDS**

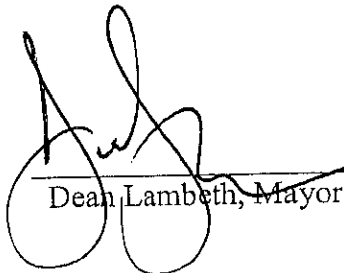
*WHEREAS*, the Town Council voted on May 15<sup>th</sup>, 2012 to request DOT to install a sidewalk on K Avenue; and

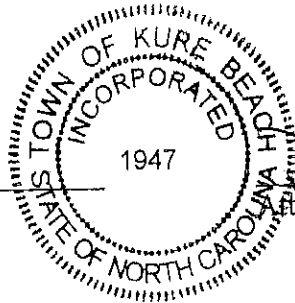
*WHEREAS*, on September 20, 2011 Town Council adopted resolution R11-17 allocating matching funds for this project in the amount of \$15,000 from Powell Bill funds; and

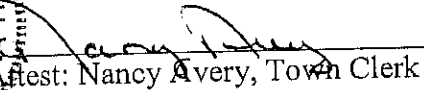
*WHEREAS*, this resolution recertifies that the Town Council will allocate \$15,000 towards installation of a sidewalk on the north side of K Avenue.

*NOW, THEREFORE, BE IT RESOLVED THAT*: the Town Council of the Town of Kure Beach hereby gives official notice to the DOT that they support the installation of a sidewalk on the north side of K Avenue from Fourth to Seventh Avenues, 10 feet off the pavement with no curb or gutter and allocates \$15,000 towards the installation from Powell Bill funds.

Adopted by the Town Council of Kure Beach this 15<sup>th</sup> day of May, 2012.

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



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



# TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

May 15, 2012

MOTION – Commissioner Heglar made the motion to allow business owners who have Town privilege licenses to be able to advertise their business in the Town’s weekly news email, as long as there is a weekly email, for free.

SECOND – Commissioner Swearingen

VOTE – Unanimous

## 2. Annual Hurricane Letter

Commissioner Heglar requested Council’s approval to have the Hurricane Letter sent out via Town email. He said he would revise the letter to put his Town email address on it in place of his personal email address.

Commissioner Swearingen asked him to also change the word “isolating” on the first page to “shut off” so people could understand the meaning better.

MOTION – Commissioner Heglar made the motion to approve the annual Hurricane letter to be emailed to residents with the following changes: change “isolating” to “shut off” on the first page of the letter and put his Town email address on it in place of his personal email address.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

## ADJOURNMENT

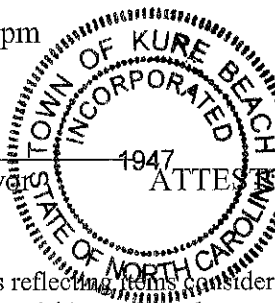
MOTION – Commissioner Heglar

SECOND – Commissioner Swearingen

VOTE – Unanimous

Meeting adjourned at 8:43 pm

Dean 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.