



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

December 18, 2012

The Kure Beach Town Council held their regular Council meeting on Tuesday, December 18, 2012, at 6:30 pm. There was a quorum of Council present.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Commissioner Emilie Swearingen

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Building Inspector – John Batson
Fire Chief – Harold Heglar
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. Pastor Langley from Kure Beach First Baptist Church delivered the invocation. Mayor Lambeth led the Pledge of Allegiance.

VOTE TO EXCUSE COMMISSIONER SWEARINGEN FROM COUNCIL MEETING

MOTION – Commissioner Pagley made the motion to excuse Commissioner Swearingen from the Council meeting.

SECOND – Commissioner Heglar

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Appoint Clifton Beasley as member of the Shoreline Access & Parking Committee.
2. Approve Gracie the Clown contract for \$375 for the 2013 Street Festival.
3. Approve TDA Reimbursement Requests:
 - \$151,849.74 for 2011/12 lifeguard expenses and partial 2012/13
 - \$8,000 for Summer Concert Series
 - \$3,300 for KB Fantasy Christmas Show
4. Approve Budget Amendments 13-02 for \$5,000; 13-03 for \$9,700; 13-04 for \$125,000
5. Finance Report
6. Building Inspections Report – December 2012
7. Fire Department Report – November 2012
8. Police Report – November 2012
9. Approve Meeting Minutes: November 20, 2012 Regular Council



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MOTION – Commissioner Heglar made the motion to approve the Consent Agenda items 1-9, as presented.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

ADOPTION OF THE AGENDA

Commissioner Heglar requested Discussion of the Possibility of a Race in 2013 be added as item #6 under New Business.

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

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Advisory Committee

- a. Approval of targeted use of Cape Fear Visitors Bureau's (CVB) Tourism Development Authority rollover funds for FY12-13

Brant Barnwell, Chairman, explained the rollover recommendations from the Marketing Advisory Committee. He said the rollover funds are the second half of the Room Occupancy Tax; almost \$42,000. He reviewed a list of the accomplishments the committee made in 2012 and gave statistics on inquiries from people interested in visiting Kure Beach. He stated that the Facebook and Twitter fan base has increased. The recommendation is to enhance programs already in place: increase the size of the advertisements running in Southern Living Magazine; encourage more visits from media sources; and enhance the Town's Youtube presence.

Commissioner Heglar asked how the Cape Fear Visitors Bureau monitored its user generated content for Youtube videos.

Chairman Barnwell said that a group called Clean Design will monitor what is posted and the CVB will filter unacceptable video content received from the public.

MOTION – Commissioner Heglar made the motion to approve the Marketing Committee's recommendations of targeted use of the CFVBC (TDA) rollover funds for FY12-13 pending the receipt of the CFVBC's user generated content policy (i.e. the CFVBC's policy on filtering videos the public might place on the Youtube website representing Kure Beach, including who will monitor the video content and what filters will be used).

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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2. Shoreline Access & Parking (SLAP) Committee

a. Withers & Ravenel Estimate for CAMA Public Access Parking Improvements: E to J Avenues

Tony Gonsalves, Chairman, said that it would cost about \$1,200 to \$1,320 to have the CAMA Public Access Parking lots from E to J Avenue reconfigured. He said the SLAP Committee feels these six lots need improvement. The committee isn't worried if a couple of parking spaces have to be removed in the process. Withers and Ravenel would lay out the spaces to make parking easier and safer.

Mayor Lambeth asked how long it would take Public Works to realign the parking spaces once Withers and Ravenel finish the layout, to which Mr. Gonsalves said he wasn't sure.

Finance Officer Copenhaver said there is \$1,700 left in the committee budget, but there are brochures that the Beach Protection Committee wants to have printed and they've already been told funds from the committee budget have been earmarked for that.

Mayor Pro Tem Keener said he isn't sure he wants to allow money to be taken out of the committee budget for parking reconfiguration.

Commissioner Heglar asked if there had been safety issues this summer in those parking lots and expressed that he isn't sure the project is necessary, especially if there weren't any public safety issues. He didn't think Public Works wanted to get involved in redoing the parking lots. He said reducing the amount of parking spaces might present an issue with CAMA and thought the project should be put off until later.

MOTION – Commissioner Heglar made the motion to table the improvements to the CAMA Public Access Parking lots proposed by the Shoreline Access and Parking Committee and have the committee present the proposal again during the next budget planning process.

SECOND – Commissioner Pagley

VOTE – Unanimous

b. Misspelled Signs in Kure Beach

Chairman Gonsalves provided Council with photos of four signs that are incorrectly spelled out of the 44 signs that are being repainted. He said he received an estimate of \$182 to replace those signs with correctly spelled signs and that there was money in the committee budget for this.



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MOTION – Commissioner Heglar made the motion to replace the incorrectly spelled signs with correctly spelled signs.

SECOND – Commissioner Pagley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance

- a. Recommended date for Council Retreat: Thursday, January 31st from 8 am to 5 pm at Community Center, Town Hall or Air Force Base Training facility

Town Clerk Avery asked Council what date they wanted to have their retreat and where they would like it to be held.

MOTION – Commissioner Heglar made the motion to hold a Council Retreat on Thursday, January 31, 2013.

SECOND – Commissioner Pagley

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to hold the Council Retreat at the Fort Fisher Air Force Recreation Area from 8 am to 5 pm on the date approved by Council.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

- b. Cape Fear Disability Commission membership (formerly the Mayor's Committee for People with Disabilities)

Town Clerk Avery said she received a request from the Cape Fear Disability Commission to appoint someone to represent Kure Beach on the commission.

Mayor Pro Tem Keener volunteered to be on the commission.

- c. Training for Town Clerk

Town Clerk Avery said she has been taking a course at the School of Government for Municipal and County Administration and would like to continue to the end of the course. She said that the training sessions from January through April will be held the same week as the Council meetings. She asked Council if they had a problem with her missing the next four Council meetings.

CONSENSUS: Council said they had no problem with her completing the course.



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2. Building Department

a. Ocean Front Park Construction Update

Building Inspector Batson said that the park won't be ready for the New Year's Eve celebration being hosted by Kure Beach this year. He doesn't have a completion date yet from the contractor. The delayed completion penalty fee of \$150 per day kicked in last Monday. He said that there was confusion as to when the road would be paved because the compaction test failed 8 out of 11 times. But, he was told that the road would be paved tomorrow. Also, the construction crew will need to rework the pavers because they put them in wrong. They will fix the issues on the park side. But, they placed the pavers in crooked on the parking area side and he was told that the Town will have to pay \$10,000 to have them redone. Brian Cox of Engineering Services is negotiating with the contractor to find out why the Town is responsible for paying for a correction that should have been done right the first time. Inspector Batson asked what Council wanted to do about the New Year's Eve celebration and having the pavers redone.

Commissioner Heglar said the contractor is responsible for the project and any mistakes should be between the contractor and the subcontractor.

Inspector Batson said the contractor's position was that the subcontractor said it would be \$10,000 to redo the pavers. The contractor said if the Town wanted the subcontractor to redo the job, then Brian Cox needs to direct them to do so and it will come up as an issue later on as to who is responsible for paying for it.

Mayor Lambeth said the contractor had a telephone with the plans on it but he didn't look at them. The subcontractor was told to lay the pavers out with a straight line. There was an area that was at an angle that was off by two degrees. Instead of the laborers following the straight line, they followed the line that was off, according to the two superintendents that were on the job.

Mayor Pro Tem Keener asked why Council is involved if there is an engineer and two superintendents being paid a lot of money to make sure the job is being done right.

Further discussion ensued regarding the delay in the project and penalty fees involved.

MOTION – Commissioner Heglar made the motion to direct the department heads to plan to have the New Year's Eve celebration in front of the Kure Beach Fishing Pier, as done in the past.

SECOND – Commissioner Pagley

VOTE – Unanimous



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MOTION – Commissioner Heglar made the motion to direct the Building Inspector to communicate with the contractor and the Town’s engineer that Council expects a quality product and is directing them to provide that as part of the contract.

SECOND – Commissioner Pagley

VOTE – Unanimous

Mayor Lambeth asked Inspector Batson to keep his eye on how the pavement is being laid in front of the houses and the Seven Seas Motel on Atlantic Avenue. He doesn’t want to see shoddy workmanship on the pavement crossing their driveways.

Inspector Batson said that Southern Asphalt is paving the road and they do good work. He said he would also get Public Works Director Beeker involved.

Town Clerk Avery asked if they should pave the road before the contractor fixes the pavers.

Inspector Batson said it wouldn’t matter since no bricks butt up to the pavement. He said he also wanted Council to know that the electric hook up from Progress Energy will cost the Town \$800.

Commissioner Heglar asked Inspector Batson to make sure it is safe down at the park on New Year’s Eve and to erect partitions to keep participants away from the park. He said that Inspector Batson is the responsible official for safety for the New Year’s Eve celebration.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

None

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Adoption of Resolution 12-09 supporting funding for the 2013-2015 Clean Water Management Trust Fund (CWMTF)

Mayor Lambeth said that the CWMTF is running out of money and is asking Council to sign a resolution supporting them.

Commissioner Heglar asked Council if they thought it was more efficient to let communities pay for themselves or to let the government take the money and filter it through to communities.

Commissioner Pagley asked how much money the Town had gotten from the CWMTF in the past to which Town Clerk Avery responded that the Town has received quite a few grants from the CWMTF.

Finance Officer Copenhaver said the Town had received somewhere around \$600,000 from the fund.



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MOTION – Commissioner Heglar made the motion to adopt Resolution 12-09 supporting funding for the 2013-2015 Clean Water Management Trust Fund.

SECOND – Commissioner Pagley

VOTE – Unanimous

Said Resolution is herein incorporated as part of these minutes.

2. Increase Fine for Littering

Mayor Pro Tem Keener said that the Beach Protection Committee discussed how Wrightsville Beach was able to ban smoking on its beach. They decided that, since Kure Beach doesn't have a way of banning smoking on the beach, a solution would be to increase the fine for littering from \$25 to \$100.

Finance Officer Copenhaver said that Wrightsville Beach's fine for littering is \$250.

Commissioner Heglar asked if Council would like to have a Public Hearing regarding the issue.

Mayor Lambeth recommended giving the Town Attorney and the Police Chief time to discuss the issue before any decisions are made.

Commissioner Pagley made a motion to increase the littering fine to \$250 and approve it as presented. Motion died for lack of second.

MOTION – Commissioner Heglar made the motion to table the issue of increasing the fine for littering until next month to let the Town Attorney and Police Chief have a chance to discuss it.

SECOND – Commissioner Pagley

VOTE – Unanimous

3. Signage Uniformity at Beach Entrances

Mayor Pro Tem Keener said that the Beach Protection Committee has discovered that there are two or three different signs in Kure Beach that have different dates or list no dates when dogs are allowed on the beach. The committee would like all of those signs to be uniform.

MOTION – Commissioner Heglar made the motion to refer the issue back to the Beach Protection Committee to propose a standardized sign for beach entrances, including a count of how many signs will be needed in order to get a cost estimate. The committee is to bring their proposal to the March Council meeting for approval for signs to be erected by April 1st.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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4. Kure Beach Parade Float in Wilmington Holiday Parade

Mayor Lambeth said that Public Works gets an “attaboy” for getting first place for a non-commercial float in the 2012 Wilmington Holiday Parade for their toy train float. The Town will receive a plaque and a check for \$100.

5. Update on Dow Road Project

Mayor Lambeth said that the Dow Road Project is a go and has been fully funded. The DOT will use the corral area for storing their heavy equipment during the project which will start sometime at the beginning of the year. It is projected to be completed by May. The DOT will put a shoulder down both sides of K Avenue.

6. Discussion of the Possibility of a Race in 2013

Commissioner Heglar said he talked with Ed Kennedy, head lifeguard for Ocean Rescue, and Tom Russell from Step Up For Soldiers about holding a race similar to the Double Sprint Triathlon, held in the past. If Council is interested in pursuing it, Mr. Kennedy and Mr. Russell will meet with the Parks and Recreation Board to come up with a plan.

Mayor Lambeth mentioned that the Lyme Disease Association wants to hold a 5K Race in Kure Beach in April.

Mayor Pro Tem Keener warned Council that it should be careful not to have the same format that Set Up Events had for its Triathlon.

Commissioner Heglar will discuss the race further with Mr. Kennedy and Mr. Russell and will present further details at the January Council meeting.

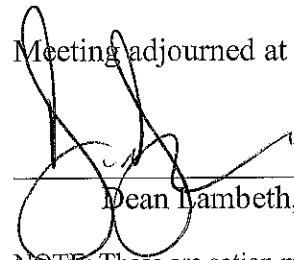
ADJOURNMENT

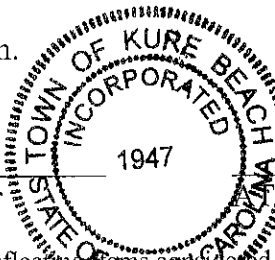
MOTION – Commissioner Heglar made the motion to adjourn.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Meeting adjourned at 7:30 pm.



Dean Lambeth, Mayor

Nancy Hewitt, Deputy Town Clerk

NOTE: These are action minutes reflecting items presented 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.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R12-09

**RESOLUTION TO SUPPORT THE 2013-2015 FUNDING FOR THE
CLEAN WATER MANAGEMENT TRUST FUND**

WHEREAS, the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

WHEREAS, the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

WHEREAS, the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina Communities balance infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

WHEREAS, infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

WHEREAS, the Clean Water Management Trust Fund has leveraged more than \$1 billion of private, local and federal funds to support projects; and

WHEREAS, the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

WHEREAS, limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

WHEREAS, our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

WHEREAS, surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and



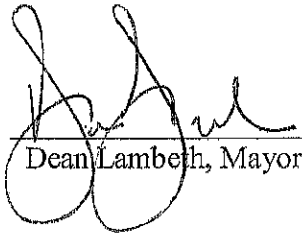
TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R12-09

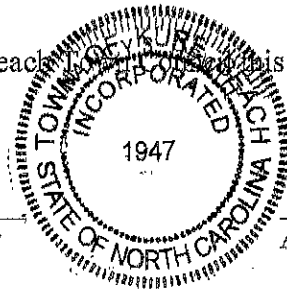
WHEREAS, the Clean Water Management Trust Fund has provided grant(s) to the Town of Kure Beach to do one or more of the following; to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians;

NOW, THEREFORE, BE IT RESOLVED that we support the Clean Water Management Trust Fund and that the fund receive an increase in recurring funding from the Governor and the North Carolina General Assembly for the 2013-2015 Biennial Budget.

Adopted by the Kure Beach Town Council on this 18th day of December, 2012.



Dean Lambeth, Mayor





Attest: Nancy Avery, Town Clerk