



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

August 20, 2013

The Kure Beach Town Council held its regular meeting on Tuesday, August 20, 2013. Town Attorney A.A. Canoutas was in attendance and a quorum of Council was present.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBER ABSENT

Commissioner Steve Pagley

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Sonny Beeker – Public Works Director
John Batson – Building Inspector

CALL TO ORDER AND WELCOME

Mayor Dean Lambeth called the meeting to order at 6:30 pm. Eric Blahut, Retired Pastor, delivered the invocation. Mayor Lambeth led the Pledge of Allegiance.

RECOGNITION AND AWARDS

None

MOTION TO EXCUSE COMMISSIONER PAGLEY

MOTION - Commissioner Heglar made the motion to excuse Commissioner Pagley from the meeting.

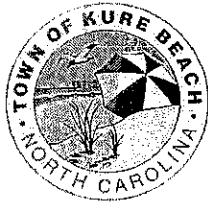
SECOND – Commissioner Swearingen

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Accept resignation of Brant Barnwell from the Marketing Committee.
2. Accept resignation of Butch Von Cannon from the Marketing Committee.
3. Accept resignation of Pat Triplett from the Beach Protection Committee.
4. Approve revised job descriptions for Recreation Coordinator, Finance Specialist, Utilities Manager, Deputy Town Clerk and Town Clerk job description.
5. Finance Report
6. Police Department Report – July 2013
7. Fire Department Report – July 2013
8. Approval of Meeting Minutes:
 - July 16, 2013 – Regular Council

Commissioner Swearingen requested moving Item #4, Revised Job Descriptions, to go under Old Business.



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MOTION – Commissioner Heglar made the motion to adopt the consent agenda items with the revision to move item # 4, Revised Job Descriptions, to go under Old Business.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

ADOPTION OF THE AGENDA

Mayor Lambeth requested Jim Dugan be added to Persons to Address Council to give a report from the Port, Waterway and Beach Commission.

MOTION - Commissioner Heglar made the motion to adopt the agenda with the addition of adding Jim Dugan under Persons to Address Council.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

PERSONS TO ADDRESS COUNCIL

1. Jenn Fullagar – Island of Lights Half Marathon

Ms. Fullagar stated Island of Lights is seeking permission to hold a half marathon on December 8, 2013 beginning at 8 am. Proceeds will go to the Sea Turtle Project. The race begins and ends in Carolina Beach but will come into Kure Beach on Dow Road, turn left onto K Street towards the pier, go down by the boardwalk, turn left on N Street, turn right on north 4th Street, turn left on Sandman, turn right on Anchor Way, turn left on Kure Dunes, and leave via Mackerel Lane. She is requesting officers to help direct traffic from 8:15 am to 11:15 am. A permit with DOT to close Dow Road has been filed.

Commissioner Swearingen asked if this has been approved by P&R committee to which Committee member Craig Bloszinsky replied it was the first he has heard of it.

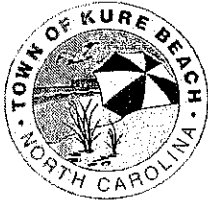
MOTION – Commissioner Heglar made the motion to approve the half marathon.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

2. Cameron Moore - BASE (Business Alliance for a Sound Economy), on the Federal Biggert-Waters Act

Mr. Moore stated he is standing in for Ryan McAllister. The effect of the Biggert-Waters Act passed by Congress will cause owners of property that have experienced repeat flooding to have a 25% increase in flood insurance premiums. This bill was stuck into a transportation bill when approved. Primary residences in special flood hazard areas will keep same rates until the property is sold or lapses. When a new policy is purchased, it will be subject to rate increases. The Act itself is a good act because it reauthorizes flood insurance. The main problem lies in Section 207 addressing pre-FIRM and post-FIRM properties. Preliminary data indicates 25 total affected properties in Kure Beach and 2,000 in New Hanover County.



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He said that BASE is asking Council to adopt a resolution to amend Section 207 to allow a slower rate of increase, extend grandfathering provisions, and reinstate the substantial improvement threshold to the 50% of value limit.

3. Janice Boroznoff - Pleasure Island Day of Hope

Ms. Boroznoff said everyone is invited to the Pleasure Island Day of Hope on September 17, 2013 at 5:30 pm. This is a cancer fund raising event held at the Carolina Beach boardwalk. She asked for a Kure Beach Fire Truck to participate and for the Town to put up a poster and put a link to the event on the Town's website.

4. Kathleen Riely – Regional Association of Realtors

Ms. Riely stated that the Transportation Bill referenced earlier funds National Flood Plan Insurance (NFIP). The Biggert-Waters Act slowly increases insurance premiums. Primary residences are okay for now; but once there is a change in ownership, lapse in coverage, or repetitive loss of property, rates will increase. NFIP is trying to push out as many people as they can. Pre-FIRM (Flood Insurance Rate) maps are from 1974 and are most impacted by Biggert – Waters. These properties are subsidized at the same cost regardless of flood risk because elevation certificates were not used or required at the time. Post-FIRM maps started looking at elevation. These rates are based on risk and vary based on elevation.

At 7:00 pm, Commissioner Pagley joined the meeting.

MOTION – Commissioner Heglar made the motion to allow Commissioner Pagley to join the meeting at 7 pm.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

5. Jim Dugan – Port, Waterway and Beach Commission representative

Mr. Dugan stated a total of \$2.4 million has been taken from Room Occupancy Tax for beach nourishment. 590,000 cubic feet of sand was put on the beach in Kure Beach. The county is looking at self funding and self permitting for beach nourishment and inlet dredging. He said that the US Fish and Wildlife Service has proposed a law concerning shoreline endangered habitat for sea turtles. He commented that there was a public input session given at UNCW where the audience was allowed to address their concerns. He said it was explained before the meeting began that the law wouldn't change anything for the beach towns in New Hanover County. He noted that, the way the law is written, the towns are untouched now. He said there is a whole list of potentially negative impacts to beaches that will be affected by the law. Meeting attendees were positive toward the issue of turtle preservation. Mr. Dugan stated, "More meetings will be held before it is voted on. The county is trying to split the baby by putting together a plan for it to be implemented from the rocks at Fort Fisher to Corncake Inlet."



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DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

Marketing Committee

a. Lack of quorum

Town Clerk Avery referred Council to the memo she included in the agenda packet referring to the lack of quorum on the Marketing Committee due to two recent resignations. Only three members are left on a seven member committee.

Council discussed putting a Town staff member on the committee to raise the membership. They also discussed going out to the community to try and recruit members, as no response is being received after vacancies have been advertised.

MOTION - Commissioner Heglar made the motion to table the discussion on lack of quorum on the Marketing Committee until next month. In the meantime, Council will solicit the public for possible membership.

SECOND – Mayor Lambeth

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance

Town Clerk Avery submitted a letter to Council received from a retired employee requesting reimbursement of payment for health insurance in the amount of \$4,700.53.

MOTION – Commissioner Heglar made the motion to take the request under consideration until the September meeting.

SECOND – Mayor Lambeth

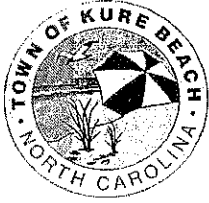
VOTE - Unanimous

2. Public Works Department

a. Ditch clean up/easement

Mayor Lambeth stated he was contacted by four property owners about a ditch behind their properties wanting to know if the Town can do anything about the overgrowth and mosquitoes. He stated he told them the Town can't go on private property. He asked Council to send them a letter with the attorney's permission asking for an easement.

Public Works Director Beeker stated the Town annexed the area with the existing ditches. Their problem is causing us some problems with street drainage. We need to reroute and redirect. He surveyed the area and shot some grades. He presented Council with a map of the area. There is a lift station close by. The ditch is isolated 100 or so feet between Snapper and Swordfish running through the back of the streets. He recommended looking for existing easements and, if none, come back to Council with information and recommendation on how to proceed.



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MOTION – Commissioner Heglar made the motion to direct the attorney and Public Works Director Beeker to determine cost and feasibility to get easements.

SECOND – Commissioner Pagley

VOTE - Unanimous

b. Relocation of dumpster and parking for garbage trucks

Commissioner Heglar stated that Sunny Point has given us a six-month extension on the lease for Joe Eakes Park and the area where four garbage trucks and some dumpsters are stored, with the understanding we will move the garbage trucks and dumpsters to a different location. He and Public Works Director Beeker will present options and a proposal to Council at the September meeting.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Resolution 13-12 regarding Biggert-Waters Flood Insurance Reform Act of 2012

MOTION – Mayor Lambeth made the motion to adopt the BASE version of Resolution 13-12 which requests amending the Biggert –Waters Flood Insurance Reform Act of 2012.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

2. Legality of wine sample consumption at Ocean Front Park’s weekly market

Town Attorney Canoutas stated he contacted staff and found vendors did have permits from the ABC Board for wine tasting. He said the Town’s ordinances and the one that controls alcohol at the Community Center and the Ocean Front Park prohibit consumption.

MOTION – Commissioner Swearingen made the motion to allow two wineries to have wine tasting in their booths if they have state permits.

SECOND – Mayor Lambeth

VOTE - Unanimous

3. Administration and Finance Department job description revisions

Commissioner Swearingen voiced the following comments/corrections/concerns about the revised job descriptions:

Revised Town Clerk job description

- There are three different names for Town Council. All references need to be changed to “Town Council.”
- Page 2, second paragraph, remove “and.”
- In the new section, delete “Manage recreation program.” Commissioner Swearingen stated she doesn’t think the clerk should be doing this since we have positions already doing this job.



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- The Finance Officer needs to be a separate department, by himself, and we need to start having that conversation.
- “Maintain the Emergency Management Plan” is in this description and the Deputy Town Clerk description. It should be in one or the other, not both.
- She asked if there was a “Town Management Team,” as listed in the description.
- Page 3, remove “strong.”

Finance Specialist job description

- Change Progress Energy to “Duke Energy” or “utility company.”

Utilities Manager job description

- She asked if “collect and process incoming revenue and fees” means this is only done in this department and not in other departments.
- Commissioner Swearingen commented that the work is getting overwhelming in Mr. Batson’s department (Building Inspections) and he will soon need a full-time staff member. She said that Privilege Licenses should be in his department or administration, but not both departments.

MOTION – Commissioner Heglar made the motion to approve revised job descriptions with the following changes:

Town Clerk description

Page two:

- Change “manage recreation programs, Town event marketing, rental of Town facilities and Special Events to include supervision of Event Marketing Coordinator and Recreation Coordinator positions” to “supervise Event Marketing Coordinator and Recreation Coordinator positions.”
- Change all references to “Board of Commissioners” or “Town Board” to “Town Council.”
- Second bullet point – delete “and” between “Adjustments” and “Planning.”

Page three:

Training and Experience Requirements - second bullet point – delete “strong.”

Other job descriptions

- Change all references to “Board of Commissioners” or “Town Board” to “Town Council.”
- Change all references regarding “Progress Energy” to “Duke Energy.”

SECOND – Commissioner Swearingen

VOTE – Unanimous



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DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Island Day

Town Clerk Avery requested Council to approve closing portions of Atlantic and K Avenue for Island Day to be held on Sunday, September 29, 2013, and to approve budget and vendor items for the event.

MOTION – Commissioner Pagley made the motion to close Atlantic Avenue from K to L Avenue east of Fort Fisher Boulevard late Saturday, September 28th and all day Sunday, September 29th for the Island Day event.

SECOND – Mayor Pro Tem Keener

VOTE – Motion carried four to one, as follows: Mayor Lambeth, Mayor Pro Tem Keener and Commissioners Swearingen and Pagley FOR; Commissioner Heglar AGAINST.

MOTION – Commissioner Heglar made the motion to approve Carolina and Kure Beach Fire Departments grilling hot dogs for a donation during the Island Day.

SECOND – Commissioner Pagley

VOTE - Unanimous

MOTION – Commissioner Heglar made the motion to approve \$1,000 from the Parks & Recreation's budget to pay for bands, activities, craft projects and ponies for the kids.

SECOND – Mayor Lambeth

VOTE - Unanimous

MOTION – Mayor Lambeth made the motion to allow ponies on the beach from 1–5 pm on Island Day with vendor responsible for clean up.

SECOND – Commissioner Heglar

VOTE – Motion carried four to one, as follows: Mayor Lambeth, Mayor Pro Tem Keener and Commissioners Heglar and Pagley FOR; Commissioner Swearingen AGAINST.

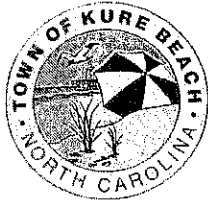
2. Native plantings in Kure Beach

Commissioner Swearingen stated there has been a good response about the little garden by the flagpole at Town Hall. One plant has died. Everywhere she goes, even outside this town, she hears people say they are so glad Kure Beach is taking on something like this. She wants there to be a Town policy requiring that only native plants be planted on Town property, and she would also like to recommend to property owners and businesses that they use native plants, as well.

MOTION – Commissioner Swearingen made the motion that the Town plant only native plants in common areas and recommend to residents that they do likewise.

SECOND - none

CONSENSUS – table until Commissioner Swearingen has a discussion with Public Works Director Beeker



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- Property owner on Fort Fisher Boulevard using property for "paid" parking, zoning districts, permits, traffic control, etc.

MOTION – Commissioner Heglar made the motion to direct the property owner on Fort Fisher Boulevard to have the entryway for parking come off of Alabama Avenue; to give permission to use the lot for parking on Labor Day weekend as long as a privilege license is obtained; and, for Council to decide about whether or not to allow the property owner to allow parking on the lot next summer, after receiving feedback on how it worked out.

SECOND – Mayor Lambeth

VOTE - Unanimous

CLOSED SESSION

MOTION – Commissioner Heglar made the motion to go into closed session for an attorney consultation at 8:45 pm.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

MOTION – Commissioner Heglar made the motion to return to open session at 8:55 pm.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to put the 60th Anniversary plaque in the Ocean Front Park.

SECOND – Mayor Lambeth

VOTE – Unanimous

ADJOURNMENT

MOTION - Commissioner Heglar made a motion to adjourn at 8:57 pm.

SECOND – Mayor Lambeth

VOTE – Unanimous

Dean Lambeth, Mayor



ATTEST: Nancy Avery, 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.