



TOWN COUNCIL MINUTES

REGULAR & ORGANIZATIONAL MEETING

December 17, 2013

The Kure Beach Town Council held a regular and organizational Council meeting on Tuesday, December 17, 2013. Town Attorney Canoutas was in attendance and a quorum of Council was present.

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

Public Works Director – Sonny Beeker
Police Chief – Dennis Cooper
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 Council meeting to order at 6:32 p.m. and welcomed everyone.

PUBLIC HEARING ON ILLUMINATION ORDINANCE

Mayor Lambeth proceeded to call Public Hearing #2 to order, stating it was being held to receive public comments on a proposed amendment to the Code of Ordinances to revise Chapter 19 Zoning, Article VI Signs, Section 378 Illumination, prohibiting the use of bare light sources on commercial buildings in all zoning districts except for Thanksgiving – January 15th.

Notice of the public hearing was posted, as follows: at Town Hall and on the Town website on November 22, 2013; Island Gazette on November 27, December 4 and December 11, 2013; Zoning Hearing signs on December 2, 2013. Letters of notice to Kure Beach business owners and certified/return-receipt letters of notice to affected property owners were mailed on November 22, 2013.

Planning and Zoning Commission (P&Z) Chairperson, Craig Galbraith, explained that the illumination ordinance was revised in order to curb business owners from outlining their commercial buildings in lights, which essentially makes their whole building a billboard. He said that the commission wanted to “tighten up” the language of the existing illumination ordinance and that it was taken, word for word, from the Wrightsville Beach ordinance. He said that the ordinance would allow for Holiday lighting between Thanksgiving and January 15th of the new year.



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PUBLIC COMMENTS

1. Ronnie Pernell, 109 S. 5th Avenue, Kure Beach

Mr. Pernell said he has a problem with the ordinance because he is concerned it could restrict spotlights and flood lights. He proceeded to give examples of how he has set up certain lighting at his motel for emergency backup and for lighting required by the health department for the motel's swimming pool. He asked that provision be made for emergency lighting in the draft revision.

CLOSING OF THE PUBLIC HEARING #2

As no one else indicated their intent to speak, Mayor Lambeth closed the Public Hearing at 6:38 p.m.

REGULAR MEETING RESUMED

Mayor Lambeth brought the regular Council meeting back to order at 6:38 p.m. Retired Pastor, Eric Blahut delivered the invocation. Mayor Lambeth led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve Application for Funding from NHC TDA for \$148,623.16 for Lifeguard Services during the summer of 2013.
2. Adopt Resolution 13-17 to approve financing terms with BB&T for a project to resurface streets, install new sidewalks and bury utility lines in the downtown area; amount financed not to exceed \$117,000 with annual interest rate not to exceed 1.93% and financing term not to exceed 54 months from closing.
3. YTD Finance Report
4. Building Inspections Report – November 2013
5. Police Department Report – November 2013
6. Approval of Meeting Minutes:
 - November 20, 2013, Regular

MOTION – Commissioner Swearingen made the motion to approve the Consent Agenda Items, as presented.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Said Resolution is herein incorporated as part of these minutes.

ADOPTION OF THE AGENDA

MOTION – Commissioner Swearingen made the motion to adopt the meeting agenda, as presented.

SECOND – Commissioner Hegljar

VOTE – Unanimous



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DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. George Turner, owner of Beach House Burgers and the Kure Beach Diner

Mr. Turner stated that the Town doesn't have enough parking places as it is, but it is proceeding with a plan to eliminate and reconfigure parking spaces on K Avenue, east of Fort Fisher Boulevard. He complained that the storm drain on the corner near his diner gets backed up and water floods the sidewalk and one time almost came into his diner. He stated that the Town plans to put a flower pot near the drain and he is afraid it might interfere with the drainage even further. He stated that food and equipment trucks need to have a place to pull their trucks over to deliver their goods to his and other businesses, but some of the temporary parking areas are going to be eliminated.

2. Tommy Full

Mr. Full stated that every night for over a week, dogs near his house have been barking until 2:00 a.m. and keeping him up all night. He would like someone to put a stop to it.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Beach Protection Committee and Shoreline Access and Parking Committee

- a. Chairperson Andy Barnard stated that Patricia Edgecomb is currently an alternate on the committee, and he asked Council to appoint her to be a regular member on the committee.

MOTION – Commissioner Heglar made the motion to appoint Patricia Edgecomb as a regular member on the Beach Protection Committee.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

- b. Chairperson of the Shoreline Access and Parking (SLAP) Committee, Tony Gonsalves, said that the Beach Protection Committee and the SLAP Committee would like to merge into one committee. He stated that they would like to name the committee the Shoreline Access, Parking and Beach Protection Committee. The committee would have 11 members and 1 alternate and would meet at Town Hall on the first Tuesday of each month at 4:00 pm. He asked Council to approve the merging of the two committees.

MOTION – Commissioner Pagley made the motion to approve merging the Beach Protection Committee and the SLAP Committee, as requested.

SECOND – Commissioner Swearingen

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

Mayor Lambeth thanked the Kure Beach Fire, Police and Public Works departments for doing a great job on K Avenue during the annual Kure Beach Fantasy Christmas Show.



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Native Plantings in Kure Beach

MOTION – Commissioner Swearingen made the motion that the Kure Beach Department Heads and staff are encouraged to use native and non-intrusive plants in all public areas. Residents and property owners shall also be encouraged by Town staff to use native, non-intrusive plants on their property.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. Proposed amendment adding new Section 19-84 K Avenue Mixed-Use Overlay District

Mayor Pro Tem Keener asked if residences would be required to be located over top of businesses in the district.

Planning and Zoning Commission (P&Z) Chairperson Galbraith responded that it would be a requirement to have a residence attached to the business because the district is a residential zone. But, he stated that a residence didn't need to be located over top of the business as long as it shared some part of the building with the business.

Commissioner Heglar said some of the businesses that are already allowed in that district, such as a church or college, wouldn't want a residence attached. He asked, if someone wanted to put a light retail shop on the property but didn't plan to live there, whether or not the Building Inspector would approve it.

Building Inspector Batson said he would send the business through the Special Use Permitting process; then, the request would have to go before P&Z before being sent to Council for final approval.

Chairperson Galbraith proceeded to state that it would be relatively easy to put a sentence in the current ordinance saying that residential is required.

Commissioner Heglar said he was concerned about the property value impact on the buildings and would like P&Z to research it and bring the data back to Council.

MOTION – Commissioner Heglar made the motion to send the draft ordinance regarding a Mixed-Use Overlay District on K Avenue back to the Planning and Zoning Commission to review the property value impact and bring their data back to Council for further discussion and consideration. Council also asked the commission to decide whether or not the properties would be required to have residences attached to the businesses.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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3. Proposed amendment to Section 19-378 Illumination prohibiting use of bare light sources on commercial buildings in all zoning districts except for Thanksgiving – January 15th

P&Z Chairperson Galbraith told Council the draft ordinance only added language to the existing ordinance, and there is already language in the existing ordinance to allow for emergency lighting such as flood lights and spotlights. He said that P&Z can add the phrase “with the exception of emergency lighting” into the draft revised ordinance.

Commissioner Heglar asked if the revision was for all buildings or just commercial buildings and wanted to know if there are currently any non-conforming properties in Kure Beach that the draft revised ordinance would affect.

Chairperson Galbraith said that the only property that might be non-conforming to the draft revised ordinance is the Kwik Mart that has LED lights outlining its window. He stated that P&Z could clarify in the ordinance that it would apply to commercial buildings only.

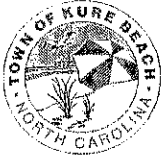
MOTION – Commissioner Heglar to make the motion to send the proposed draft ordinance regarding Illumination back to the Planning and Zoning Commission to examine three issues, as follows: clarify if the ordinance should only apply to commercial buildings and business areas; clarify that the ordinance allows for decorative lighting and emergency lighting; and inform Council of any properties in Kure Beach that currently don't conform to the proposed revised ordinance.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

4. Report on Port, Waterway and Beach Commission (PW&BC) meeting: Inlet Dredging Cost
Commissioner Swearingen said that engineers are supposed to start collecting data on the beaches for beach renourishment for “Kure Beach and Vicinity” this week. She gave a summary of the PW&BC meeting held on December 11, 2013. She presented Council with handouts of the meeting Minutes and a cost share breakdown from Layton Bedsole with New Hanover County and one from Kevin O’Grady, a councilman for the City of Wilmington. She explained the background of an ongoing consolidation dispute between the City of Wilmington and New Hanover County governments. She summarized some of the taxation issues affecting this subject. She stated that, during the meeting, Chairman David Weaver said that the biggest injustice in the whole process has been to Kure Beach, and he asked the commission to look at the issue of equitable cost sharing. There were recommendations to take funds from the Parks Bond Fund that Carolina and Kure Beach receive for dredging. She said it was also suggested that, if the dredged materials are deposited onto the beach, beach renourishment funds might be able to be used.

Mayor Lambeth called Craig Bloszinsky up to the podium to give further information on the meeting.



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Mr. Bloszinsky concurred with Commissioner Swearingen's synopsis. He also reported that where the Town had approved a \$15,000 contribution, the Town's contribution now has the potential of being reduced to between \$2,100 and \$7,500, if the per-boat formula is used.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Presentation of appreciation for service to retiring Mayor Pro Tem Chuck Keener
Mayor Lambeth presented Mayor Pro Tem Keener with an appreciation gift of an engraved Bluefish to be inlaid into the Atlantic Avenue boardwalk.

Mayor Pro Tem Keener thanked Town Council and Town Clerk Avery for his service award and stated he has been to over 120 Council meetings and to over 450 committee meetings. He said the Town was fortunate to have over-qualified Town Hall staff and Department Heads. He thanked his wife for giving her "Cabana Boy" permission to get involved in Town government and for her support and encouragement.

2. Administration of Oaths of Office by State Senator Thom Goolsby and assumption of office as per G. S. § 160A-68 and §163-306.
- Dean Lambeth, Mayor (2 year term)
 - Steve Pagley, Commissioner (4 year term)
 - Craig Bloszinsky, Commissioner (4 year term)

The new Council took their seats as follows:

Mayor Dean Lambeth, Commissioners Emilie Swearingen, David Heglar, Steve Pagley and Craig Bloszinsky.

3. Vote to appoint Mayor Pro Tem
Per Chapter 3 (Governing Body) of the Code of Ordinances, Council elects one member to serve a two-year term as Mayor Pro Tem.

MOTION – Mayor Lambeth made the motion to appoint Craig Bloszinsky as the new Mayor Pro Tem for the Town of Kure Beach.

SECONDED – Commissioner Pagley

VOTE - Unanimous

4. Vote to appoint Building Liaison Commissioner
Per Chapter 5 (Building Regulations) of the Code of Ordinances, Council elects a member to serve a two-year term as Building Commissioner.

MOTION – Mayor Lambeth made the motion to appoint Craig Bloszinsky as the new Building Commissioner.

SECOND – Commissioner Heglar

VOTE PASSED, three to two, as follows: Mayor Lambeth, Mayor Pro Tem Bloszinsky and Commissioner Heglar FOR; Commissioners Swearingen and Pagley AGAINST.



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5. Vote to appoint two Council members to serve on the Carolina Beach/Kure Beach Sewer Authority. Current members are Mayor Lambeth and Commissioner Heglar.

MOTION – Mayor Lambeth made the motion to keep himself and Commissioner Heglar on the Carolina Beach/Kure Beach Sewer Authority.

SECOND – Commissioner Pagley

VOTE – Unanimous

6. Vote to designate three Town Council banking signatories
Current signatories are Mayor Lambeth and Commissioner Heglar. Mayor Pro Tem Keener was also a signatory while on Council.

MOTION – Mayor Lambeth made the motion to designate Mayor Pro Tem Bloszinsky as a banking signatory for the Town.

SECOND – Commissioner Heglar

VOTE - Unanimous

MOTION – Commissioner Pagley made the motion to designate Commissioner Swearingen to take Commissioner Heglar's place as banking signatory.

SECOND – Commissioner Heglar

VOTE - Unanimous

7. Assignment of other Department liaisons

Mayor Lambeth made the following assignments of liaisons for departments:

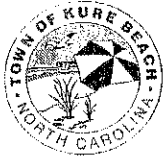
- Mayor Lambeth – Administration, Finance & Recreation
- Commissioner Pagley – Fire Department
- Commissioner Swearingen – Police Department
- Commissioner Heglar – Public Works

Commissioner Swearingen thanked Council for giving her the opportunity to be the Building and the Planning and Zoning Commissioner during the last administration. She thanked the Mayor for making her the Police Commissioner for the new administration, and said that the Town has the best Police Chief in the state.

8. Assignment of Committee liaisons

Mayor Lambeth made the following assignments of liaisons for committees:

- Mayor Lambeth – Parks and Recreation Advisory Board
- Mayor Pro Tem Bloszinsky – Community Center, Joint Committee Chairperson meeting and the Planning and Zoning Commission
- Commissioner Swearingen – Marketing and Stormwater & Environmental



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- Commissioner Pagley – Shoreline Access, Parking and Beach Protection

9. Review of non-Town committee appointments

Mayor Lambeth reviewed the following appointments of liaisons for non-Town committees:

- Council of Governments (COG) – Steve Pagley (must be elected official)
- The Cape Fear Disability Commission – Dick Graham appointed 11/19/13
- MPO Bicycle and Pedestrian – Al Sharp appointed 4/17/12
- MPO Citizens Advisory – John Ellen appointed 7/16/13
- MPO Technical Coordinating (TCC) – Nancy Avery (must be Town employee)
- MPO Technical Advisory (TAC) – Dean Lambeth (must be elected official)
- Tourism Development Authority (TDA) – Dean Lambeth (must be mayor)

Mayor Lambeth assigned Craig Bloszinsky to the Fort Fisher State Recreation Area Advisory Committee and to the Port, Waterway and Beach Commission, with no objection from Council.

10. Discussion and consideration of authorization for the Mayor to sign a letter to go to the Bureau of Ocean Energy Management encouraging expeditious seismic studies and to allow leasing in the Atlantic Offshore Continental Shelf before 2017 for offshore oil and natural gas exploration.

Mayor Lambeth asked Council to give him permission to sign a letter asking the Bureau of Ocean Energy Management to approve permits for offshore seismic studies and to allow leasing in the Atlantic Offshore Continental Shelf before 2017. He said he received the letter template from Bobby Greer.

Commissioner Heglar said he wasn't in favor of signing the letter until the public was informed about the subject and Council receives its citizens' feedback. He said he didn't know enough about the issue to have the Mayor sign the letter on behalf of the Town.

Commissioner Swearingen concurred with Commissioner Heglar. She said she invited a gentleman to come to next month's Council meeting to discuss this issue.

MOTION – Commissioner Heglar made the motion to not allow the Mayor to sign the letter until information is given out to the Kure Beach citizens and their feedback is received.

SECOND – Commissioner Swearingen

VOTE – Commissioners Swearingen and Heglar FOR; Mayor Lambeth, Mayor Pro Tem Bloszinsky and Commissioner Pagley AGAINST.

Commissioner Heglar stated that Council approved Mayor Lambeth signing the letter with the vote count, and no Council member objected to his statement.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R13-17

**APPROVING FINANCING TERMS WITH BB&T FOR A PROJECT TO
RESURFACE STREETS, INSTALL NEW SIDEWALKS AND BURY UTILITY
LINES IN THE DOWNTOWN AREA**

WHEREAS, The Town of Kure Beach ("Town") has previously determined to undertake a project for resurfacing streets, installing new sidewalks and burying utility lines (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated December 6, 2013. The amount financed shall not exceed \$117,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.93% and the financing term shall not exceed fifty-four (54) months from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

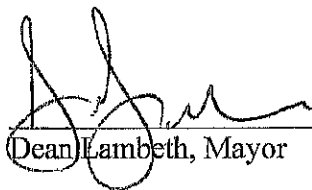
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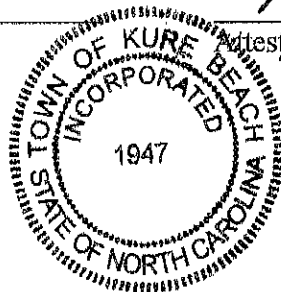
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced from the Town's general fund, or any other Town fund related to the project for project costs, may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted by the Kure Beach Town Council this 17th day of December, 2013.


Dean Lambeth, Mayor




Nancy Hewitt, Deputy Town Clerk



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ADJOURNMENT

MOTION – Commissioner Heglar made the motion to adjourn the meeting.

SECOND – Mayor Lambeth

VOTE – Unanimous

Meeting adjourned at 7:41 p.m. with reception following.

A handwritten signature in black ink, appearing to be "D. Lambeth", written over a horizontal line.

Dean Lambeth, Mayor

A handwritten signature in black ink, appearing to be "Nancy Hewitt", written over a horizontal line.

ATTEST: 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.

