

# TOWN COUNCIL MINUTES

REGULAR MEETING

January 27, 2014

The Kure Beach Town Council held their regular Council meeting on Monday, January 27, 2014. Town Attorney Canoutas was in attendance and quorum of Council present.

## **COUNCIL MEMBERS PRESENT**

Mayor	Dean Lambeth
Mayor Pro Tem	Craig Bloszinsky
Commissioner	Emilie Swearingen
Commissioner	David Heglar
Commissioner	Steve Pagley

## **STAFF PRESENT**

Finance Officer – Arlen Copenhaver  
Police Chief – Dennis Cooper  
Deputy Town Clerk – Nancy Hewitt

## CALL TO ORDER

Mayor Lambeth called the meeting to order at 6:30 p.m., Pastor Dan Keck from Kure Memorial Lutheran Church delivered the invocation and Mayor Lambeth led everyone in the Pledge of Allegiance.

## APPROVAL OF CONSENT AGENDA ITEMS

1. Approval of Parks and Recreation Advisory Board to change their monthly meeting time from 6:30 p.m. to 6:00 p.m.
2. Approval of the Shoreline Access, Parking and Beach Protection Committee to revise its name to Shoreline Access, Beach Protection and Parking Committee.
3. Approval of Amendment to Section 4.02 Facility Reservation General Policy
4. Approval of Amendment to Chapter 12, Article III (Community Center) Code of Ordinances
5. Approval of Application for Funding from NHC TDA for \$3,300.00 for the 2013 Kure Beach Fantasy Christmas Show.
6. Approval of Road Closures on October 5, 2014, from 8:00 a.m. to 11:00 a.m. on Dow Road, K Avenue (between Dow & Settlers), Settlers Lane and Mackerel Lane.
7. YTD Finance Report
8. 2013 Annual Building Inspections Report
9. Police Department Report – December 2013
10. Fire Department Report – December 2013
11. Approval of Meeting Minutes:
  - November 19, 2013, Closed
  - December 17, 2013, Public Hearing
  - December 17, 2013, Regular/Organizational & Public Hearing

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



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SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Said policy and ordinance amendments are herein incorporated as part of these minutes.

## ADOPTION OF THE AGENDA

MOTION – Commissioner Swearingen made the motion to move Discussion and Consideration of Persons to Address Council immediately after Discussion and Consideration of Presentations to Council.

SECOND – Commissioner Heglar

MOTION FAILED three to two, as follows – Mayor Lambeth, Mayor Pro Tem Bloszinsky and Commissioner Pagley AGAINST, Commissioners Swearingen and Heglar FOR.

Commissioner Heglar asked to add “Inclement Weather” as Item 3 under New Business and to add “Mayor’s Letter Endorsing Seismic Testing” directly before Discussion and Consideration of Persons to Address Council.

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

SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

### 1. Encroachment Agreement for property at 510 N. Fort Fisher Boulevard

Attorney Ned Barnes explained that his client wanted to erect a 14x30 foot fiberglass pool, surrounded by a 4-foot wide deck, on the beach side of his property. He asked Council to approve his client’s Encroachment Agreement. He said it was worded the same as an agreement Council already approved for a different Kure Beach property owner.

Mayor Lambeth said that he looked at the property and would be in favor of approving the agreement if the owner would turn the pool sideways and would get a shorter length pool.

Mayor Pro Tem Bloszinsky was concerned that the length of the pool and deck together would measure almost 40 feet, causing it to extend very close to the dunes. He said that the pool and decking together shouldn’t total any more than 35 feet in length.

Attorney Barnes said he will have the property owner get new drawings to show the new position and size of the pool and will submit the Encroachment Agreement for final approval.

### 2. Brady Bradshaw, Campaign Coordinator for Echo Friendly Action: Anti Seismic Testing

Mr. Bradshaw said that he is a resident of New Hanover County (NHC) and a graduate of the University of North Carolina, Wilmington (UNCW), with a degree in Marine Biology. He described the process of seismic testing with air guns, including their sound, vibration and force. He questioned seismic testing’s effect on the continental shelf and fault line running in the



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Atlantic Ocean. He talked about the resulting decrease in fish and shell fish rates around the world where seismic testing was done. He reviewed the Bureau of Ocean Energy Management's estimates of injuries and death to whales and dolphins related to this testing, including autopsy results showing middle ear hemorrhages, bubbles in the blood and lung lesions. He explained how migratory routes for marine life can be affected and reviewed the negative impacts on fisheries and jobs. He cited the Mid-Atlantic Fishery Management Council's report that notes there are too many risks and unknown factors with this type of testing. He described the affect the testing has on marine life mating as well as their eggs and larvae. He addressed some of the Mitigation Strategies used during seismic testing noting their insufficiency in protecting marine wildlife.

Mayor Lambeth said that he has been told that seismic testing wouldn't be conducted during the migration of marine life.

Ethan Crouch from the Surfrider Foundation responded that full seismic testing doesn't consider the issue of migration.

Mayor Lambeth said that, although the literature against seismic testing blames 28 dead dolphins washing up along the Peruvian coastline, he heard that the Peruvian government said that the testing hadn't even started when the dolphins washed up on the shore.

Mr. Crouch said that, in the ocean, it's really hard to determine what is causing those deaths but what they do know is that the necropsy done of the dolphins showed inner ear tissue damage.

Mayor Pro Tem Bloszinsky asked how much energy from the air gun goes into the ocean floor bedrock.

Mike Bender of 829 Ketch Court, an electrical engineer with a background from the military in acoustic energy, said that sound actually travels further and is amplified in water. He said that the air gun is actually a weapon and the energy not only goes directly down through the ocean floor, but it also goes directly out. He said that it can kill a human at 150 decibels and can decimate anything in the area at 250 decibels. He asked Council to consider the potential of human death, including swimmers on the shoreline. He said that the amount of energy from the air gun needed to penetrate the water to 500 feet and then go another 6,000 feet through earth to get an acoustical image is enormous and will go out in all directions because there's no possible way to have a focused beam in the water.

### 3. Albert Effel, America's Energy Forum – Pro Seismic Testing

Mr. Effel stated that he grew up in Wilmington and currently lives in Raleigh. He said that seismic testing is essential for locating offshore natural gas and oil and for sighting locations for offshore wind farms. He said that during the four decades of seismic testing around the globe, there have been no detectable, long-term impacts on the marine environment. He said good operating practices are in place to protect mammals from high levels of sound and all of the



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scientific findings show that the only negative effects on marine mammals are incidental; seismic surveys are safe. He said that, contrary to the “baseless claims” of some, there is no evidence that serious injury, death or stranding of marine mammals has occurred from exposure to seismic surveys. He said that claims that government studies report deaths of whales and dolphins due to seismic surveys are “just plain false.” He said that those who spread those claims are misrepresenting the government’s theoretical projections of animals that might be exposed to sound. He reviewed the Mitigation Strategies used to ensure safety of marine life. He said that the long-recognized and documented major risks to whales and dolphins are from vessel strikes and fishing gear entanglement, not seismic surveys. He said seismic testing in Brazil and off of the Gulf Coast has not shown mass killings of marine life, as some claim and the campaign against air gun usage is unfounded and only prevents offshore oil exploration and development. He said the claims against testing are purely unfounded and are only used to scare people.

Kure Beach Resident, Judy Larrick, asked Mr. Effel if he was willing to take his family diving in the area when and where they conduct seismic tests, to which Mr. Effel responded that one would not want to be in the water when and where the tests are conducted.

Commissioner Swearingen asked Mr. Effel if any of the coastal towns where seismic testing has taken place have received money for beach nourishment and inlet dredging from petroleum and natural gas companies.

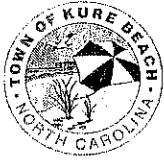
Mr. Effel said that seismic testing is a process of offshore exploration that has the ability to provide royalties which then can flow through for beach nourishment. He stated, though, that none of the royalties are legally allowed by the Federal government to be received by the states and towns on the east coast that allow the testing. He said this is why the states and towns need to voice their requests to receive these funds from the Federal government. He said, “Unless you’re prepared to raise taxes, this is something that you probably have a fiduciary duty to actually educate yourself on.”

Commissioner Swearingen asked Mr. Effel why there was a need for seismic testing, to which Mr. Effel responded that they want to know what the resource potential is in the Atlantic Ocean for natural gas and oil. She said she worked with the NC Energy division in the 1970’s and wrote the State’s first energy conservation plan. She said that one of the largest fault lines runs along the east coast and through the middle of the State, right under the Sharon Harris Nuclear Power Plant. She asked Mr. Effel if he knew what the impact seismic testing would have on a large fault, to which Mr. Effel responded that he didn’t know but could get that information for her. She asked Mr. Effel to confirm if it was illegal to do seismic testing off the coast of California, to which he responded that it was illegal.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Planning and Zoning Commission

- a. Proposed revision to new draft ordinance, Section 19-84, K Avenue Mixed-Use Overlay District



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Chairperson Galbraith stated that Council asked the commission to revise the language in the proposed draft ordinance to clearly identify that there is a residential component necessary in each unit located in the district. He said Council also asked the commission to research the impact on property values in a mixed-use, overlay district. He said it was difficult to find many studies on this subject, but one that he was able to locate in the Regional Science and Urban Economics publication concluded that single, residential houses, close to neighborhood-scale commercial uses, has resulted in increased property values.

MOTION – Commissioner Heglar made the motion to table further discussion on the new draft ordinance until the February Council meeting when the Building Inspector would be at the meeting.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Chairperson Galbraith said that the commission is still working on the LED lighting draft ordinance revision and will bring it back to Council as soon as it's ready.

## 2. Shoreline Access, Beach Protection and Parking Committee

### a. Cigarette Butt Receptacles

MOTION – Commissioner Heglar made the motion to table the Shoreline Access, Beach Protection and Parking Committee's information about cigarette butt receptacles until the February meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Administration and Finance

#### a. Adoption of FY 2014-2015 Budget Calendar

Finance Officer Copenhaver said that the calendar he is presenting to Council for approval follows the same format used in the last few years and meets all regulatory requirements on timing.

MOTION – Commissioner Heglar made the motion to tentatively approve the proposed Budget Calendar to be further reviewed at the February Council meeting.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Encroachment Agreement for property located at 510 N. Fort Fisher Boulevard

Mayor Lambeth reiterated that Attorney Ned Barnes will bring back the revised plan from the property owner to the February Council meeting for approval of the Encroachment Agreement.



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## 2. Paid Parking on Atlantic and K Avenues

Mayor Pro Tem Bloszinsky said that he made a proposal to Council to help pay for beach nourishment by instituting “friendly paid parking” at a low cost to visitors, which would also allow revenue-sharing with the local businesses who would sell the parking passes. He said he met with 80% of the downtown business owners and they were not in favor of pursuing the activity citing the potential character-change of the Town and its impact on customers. He said that, since there is not a level of support from the business owners, friendly paid parking is “off the table.”

## 3. Sandman Lot Subdivision

Mayor Pro Tem Bloszinsky said the Town-owned property on Sandman Drive could be subdivided into separate lots that could be sold for revenue for the Town. He said there are five different proposals to subdivide the land and property values would be between \$85,000 and \$135,000 for each lot. He suggested that Public Works Director Beeker look at proposed easements on the property before a decision is made.

MOTION – Commissioner Heglar made the motion to direct Deputy Town Clerk Hewitt to inform Public Works Director Beeker and Building Inspector Batson to examine the five proposals to subdivide the property and bring their recommendations to the February Council meeting.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

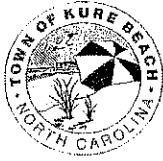
## 4. Dow Chemical Jetty Update

a. Need decision on signage and/or warning buoys in the ocean, or research other ideas  
Mayor Lambeth gave an overview of the structures that were left underwater by the Dow Chemical Company, including their location and approximate size. He said that divers from Intercoastal Contracting explored the structures and said they couldn’t remove them for \$100,000. He said they recommended putting buoys out in the water or putting signs on the beach to keep people from swimming in the area. He said they could do further studies to see about removing them, but it would be very expensive.

Commissioner Heglar said that the Town may need to do the same thing that Carolina Beach has done by driving pilings down into the sand with signs on them, since every sign the Town has tried to put there in the past has gotten knocked down and washed away.

Mayor Lambeth said that the Town’s \$50,000 grant for the project would pay for signage and the grantor would extend its deadline for completion of the work. He said that Intercoastal Contracting said they can install signage or buoys for the Town.

MOTION – Commissioner Heglar made the motion to direct Town Clerk Avery and Public Works Director Beeker to work with Intercoastal Contracting to present the best solution for permanent signage at the Dow Chemical Jetty.



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SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Economic Impact Study: Proposal for \$1,000 toward a study of the economic impact of the Carolina Beach Inlet on Kure Beach and NHC

Tom Sayer from the Carolina Beach Inlet Association (CBIA) asked Council to approve funding for an Economic Impact Study that will be conducted by UNCW professor, Dr. Chris Dumas.

Commissioner Swearingen said she has discussed this with Finance Officer Copenhaver who told her the Town has the money to cover the amount.

MOTION – Commissioner Swearingen made the motion for the Town to appropriate \$1,000 for the Economic Development Study that the CBIA is undertaking with UNCW.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Commissioner Swearingen said that the CBIA is also thinking about conducting a year-long study using one-on-one communication with people who actually use the inlet. She informed Council that the CBIA will be asking for Council to put money in next year's budget plan to help pay for it.

Discussion ensued about whether or not there was a necessity to fund a bigger study and what the bigger study would accomplish. The conclusion was that the larger study may not be needed, depending on the percentage paid by NHC for inlet dredging and maintenance; but it is something to keep in mind for the next budget planning session.

2. Second 3% of Room Occupancy Tax

Commissioner Heglar asked that this subject be tabled until officials from the beach towns meet together and come up with a resolution they can all agree on. He said they will need to review the resolution, resolve any differences between the towns and approve the final draft by the end of February.

Mayor Pro Tem Bloszinsky said that he and Carolina Beach Mayor Dan Wilcox met with Kim Huffman from the TDA, and Mayor Wilcox will send memos out to the other towns on the future direction to get this accomplished in the allotted period of time.

MOTION – Commissioner Heglar made the motion to table approving the draft resolution until Council resolves the differences in the resolution with the Carolina Beach and Wrightsville Beach Town Councils, after which Mayor Lambeth will poll Council for their approval of the resolution without having to meet again; all to be completed before the end of February.

SECOND – Commissioner Swearingen

VOTE – Unanimous



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## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Commissioner Heglar asked everyone to keep their comments to three-minutes.

(Note: Unless otherwise noted\*, all comments are from residents of Kure Beach.)

1. Mo Linquist, 513 S. 4<sup>th</sup> Avenue
  - Secretary on the Town's Stormwater and Environmental Committee.
  - Opposes seismic testing and drilling for oil and gas in the Atlantic and opposes certain forms of energy that are not sustainable.
2. Barry Nelder, 601 Sandman Drive
  - Asked Council to reconsider its endorsement of seismic testing and doesn't feel it's economically sensible.
  - Told everyone to go to [www.smartplanet.com](http://www.smartplanet.com) for an unbiased economic/energy outlook.
3. Judy Larrick, 645 Settlers Lane
  - Advocate for sea turtles; stated that seismic testing is another stake nailed in their coffin.
  - Politicians and oil companies keep trying to shove seismic testing and offshore oil down our throats, but they need to ask the people on the Gulf Coast how they feel about cleaning the oil that spilled onto their beaches.
  - It's disappointing and unconscionable that Mayor Lambeth, Commissioner Pagley and Mayor Pro Tem Bloszinsky didn't think the residents should have a say in the Mayor signing a letter endorsing seismic testing.
4. Sara Smith, 665 Settlers Lane
  - Disappointed and dismayed by the Council for signing the letter endorsing seismic testing without their constituents' commitment.
5. Linda Slaymaker, 722 Cutter Court
  - Kure Beach has become a model for environmental concerns with its recycling bins, sea turtle-friendly boardwalk lights, clean water conservation at the park pavilion and underground utilities.
  - Seismic testing and offshore oil drilling is rooted in greed and testing is the first step to permanency.
  - She asked what the cost of cleaning up dead fish would be to the Town.
6. Clarke Slaymaker, 722 Cutter Court
  - Spent time in military service on a destroyer.
  - He described the depth charges that were used and the results which included the killing of marine life.
7. Kathleen Baylies, 126 Clementree Lane (letter read by Judy Larrick)
  - She doesn't want the Mayor pursuing every revenue stream for the Town unless it supports the long-term economic and environmental health of the Town.





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- It is reasonable to believe seismic testing will cause additional harm, although we don't know how much harm.
  - It's deplorable to allow people to profit by using and ruining public resources such as the ocean which, in time, will lessen the quality of life for us all.
8. James Craig, 121 N. 5<sup>th</sup> Avenue
- Worked in the government for 30+ years and has a Ph.D. in Oceanography.
  - He has seen the benefits and risks of getting oil from the ocean.
  - There is misinformation/lack of information on every page of the anti-testing brochure and people need to check the references and research this more to make a rational choice.
  - The original article about the dolphins dying in Peru says that they washed up on the shore before the seismic testing began.
9. Jordan Cohen, 209-A N. 4<sup>th</sup> Avenue
- Worked in the speech, acoustics and signals field for 40 years. He talked about OSHA requirements for hearing protection.
  - He isn't against testing or drilling; he is against doing it in a "stupid" way, which is what the oil companies are doing.
  - There are much better methods of testing, like putting sonar sensors in the bottom of the ocean for pictures; but it costs more money.
10. Dan Bell, 950 General Whiting Boulevard
- There should have been a conversation with the residents before the letter was signed.
  - We are going toward drilling.
  - The reward might be a little bit of money that we may or may not see, but the risk could be cataclysmic.
11. Kathy Hartkopf, 2405 Uphill Court, Hillsborough NC\*
- Works with NC Freedom Works which stands in favor of seismic testing to obtain newer seismic data; the current data being 30 years old. There are 1,100 members of the organization in NHC.
  - She will give the numbers of members who live in Kure and Carolina Beaches to Commissioner Swearingen.
  - She would never support something that she believes would significantly harm the ocean.
12. Roxanne Kirtright, 111 7<sup>th</sup> Avenue
- Seismic testing is a destructive and killing exercise and the first step down the road to oil and gas drilling.
  - She believes in clean, renewable energy sources like solar, wind, tidal, bio-mass and geothermal energy rather than oil and gas which is "20<sup>th</sup> Century."
  - The environment is the life support system of everyone that you love.



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13. Ethan Crouch, 932 Searidge Lane, Carolina Beach\*

- Chairman of the local chapter of the Surfrider Foundation which represents 2,000 volunteers and activists.
- It's clear that the people who came to this meeting tonight want to be heard that they are against seismic testing, and Council should represent the people who put them into office.

14. Jason Thigpen, 151 Pamlico Drive, Holly Ridge\*

- A candidate for Congress and believes it's essential to protect the ocean and beaches; the backbone of the local economy.
- Kure Beach should encourage renewable energy.

15. Randy Gilliland, 133 S. 6<sup>th</sup> Ave

- Former mayor and councilman of a coastal town in Virginia. It was his responsibility to find ways to fund projects when he was on that council.
- Not every funding solution is a good one and seismic testing is bad.
- When we make a mistake, we can fix it by making a new, better decision.

16. Alyssa Cochran, 228 Dapple Court, Wilmington\*

- Experienced workers would be brought in to do testing, so no local workers would be hired. Testing will destroy many more jobs than it creates.
- We have a responsibility to preserve our coasts and culture, and forgetting about the marine life is the easiest way to destroy our coasts.
- A part of the Law of the Seas and the Outer Continental Shelf Land Act states that any seismic testing or drilling that is done in Federal waters, no revenue will be seen for the State, but the residents of the State will have to pay the taxes on the revenue, even though all of the negative effects fall on us.

17. Nancy Busovne, 507 Jarrett Bay Drive, Carolina Beach\*

- Coordinator for Pleasure Island Sea Turtle Project.
- The testing will have an affect on our sea turtles and our tourist industry; and it won't bring jobs to this area, it will take them away.
- If there is a risk that seismic testing might affect wildlife, then that's enough for her to be against it.

18. Ben Shaw, 404 S Fort Fisher Boulevard

- Went surfing 20 minutes before he came and saw a dolphin. He would feel bad if he knew something his town endorsed maimed, injured or killed that dolphin.

19. Kaila Shaw, 404 S Fort Fisher Boulevard

- She is nine years old and, spending a lot of time on the ocean and on the beach, she has seen dolphins and whales and loves when she sees them.



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- None of God's creatures are safe from "these greedy monsters" who are for seismic testing just for money's sake.
  - Some things just shouldn't be for sale.
20. Beca Shaw, 404 S Fort Fisher Boulevard
- The majority of Kure Beach opposes seismic testing and Council should listen to the majority.
  - Asked Council if they were willing to sell their souls for this, because that is what they're doing.
21. Robert Unsworth, 830 Cutter Court
- It is easy to follow the money, but economically it isn't feasible to make any money out of seismic testing; it's harmful.
  - There are alternative methods to find energy and we need more facts before we proceed.
22. Adrienne Ochis, 329 S. Fort Fisher Blvd
- In 2008, John McCain said that, because of safety precautions and advances in technology, there wouldn't ever be another oil spill; that was before the Gulf oil spill.
  - New Jersey Congressman, Rush Gold, who also serves on the House Natural Resources Subcommittee said that we shouldn't be risking our fishing and tourism because the energy companies want to get their hands on the quick oil buck.
  - A Native American saying is "We are borrowing the earth from our children and grandchildren."
23. Jody Smith, 109 N 5<sup>th</sup> Street in Carolina Beach\*
- She is President of the Pleasure Island Sea Turtle Project and is against seismic testing.
  - She urged Council to reconsider their stance.
24. Craig Galbraith, 803 Boca Court
- He believes that government should be run like a business and should look clearly and carefully at all the benefits and costs of an issue that affects it before making a decision.
  - It's a poorly run business that pursues a new path that damages its core business, and the core business of our area is leisure, hospitality, shipping, etc.
  - Coastal NC has an expanding economy and a great economic future as it stands now, if properly managed.
  - He supports the exploration of resources if it is safe, but he doesn't know if seismic testing is safe.
  - If you endorse seismic testing, you need to make sure you are in no way endorsing extraction of oil.



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25. Bev Veals, 730 Settlers Lane

- There have been three meetings in the area with the Bureau of Ocean Energy Management over the last three years regarding sustainable energy that she has attended. She asked Council if they had attended any of the meetings and received no reply.
- The elections in Kure Beach would have been very different if the citizens knew how the Council felt about this subject before the elections.
- My family and I will not be assimilated to believe this is a good idea because it's not a good idea to be a slave to oil.
- We are short-sighted to think that oil is a profit-bearing industry when it costs so much to our environment and health.

26. Al Sharp, 425 N. Fort Fisher Boulevard

- Council has heard 100 reasons why not to support seismic testing and not many reasons to support it.
- The whole idea that revenue from testing and drilling will enhance the Town's coffers is incorrect.
- We need to use the positive energy in Kure Beach to do good for the community rather than fight about corporate interests that will divide us.

Mayor Lambeth called for a 15-minute break at 8:39 p.m.

Meeting resumed at 8:55 p.m.

27. Laura Lee Kenzora, 621 S. 5<sup>th</sup> Avenue

- Against seismic testing because there's not enough information to prove it's safe.
- Do we want to take the risk of not having enough information on seismic testing?
- How could Mayor Lambeth sign a letter of this importance without consulting the community?

28. Sandy Capece, 603 Pelican Court

- She didn't appreciate that the Mayor signed a letter endorsing seismic testing before the community knew anything about it.
- She doesn't understand why they would approve it, except that the issue of money was their bottom line.

29. Joanne Durham, 902 Pelican Court

- Asked Council to rescind their endorsement of testing in light of the number of people against it.
- Citizens should send their own letters to the people on the mayor's letter to let them know the majority of people in Kure Beach weren't represented properly by their mayor.
- Seismic testing could have a negative impact on the resources we have here.



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30. Nancy Gadzuk, 1715 Bonita Way

- Asked Council to reconsider their decision to endorse seismic testing and consider the constituents who voted them into office.

31. Robin Sack, 720 N. Fort Fisher Boulevard

- She is against seismic testing and for anything that can help the beautiful ocean creatures she sees in the water every morning.

32. David Sack, 720 N. Fort Fisher Boulevard

- He has never seen such support from the Town residents on an issue that didn't get any support from the Council.
- If seismic testing is illegal on the west coast, then why is it legal on the east coast?

As no more names were on the list of Persons to Address Council, Mayor Lambeth concluded the public comment portion of the meeting at 9:07 p.m.

Commissioner Heglar reminded the Mayor that he mistakenly skipped over the items added to the agenda at the beginning of the meeting: Mayor's Letter Endorsing Seismic Testing and Item 3 under New Business regarding Inclement Weather.

## MAYOR'S LETTER ENDORSING SEISMIC TESTING

Commissioner Heglar said this issue came up before Council at their December meeting. He pointed out that the letter the Mayor signed wasn't on Town letterhead and it was a form letter to which the Mayor added his name; the Mayor didn't commit the Town or citizens to the endorsement. He said it is the Mayor's right, as an individual, to express his opinion and take a stance on issues he believes in. He explained that Mayor Lambeth brought it before Council because he had been asked by a former Council to not sign anything using his Council title unless approved by Council. He commended Mayor Lambeth for informing Council beforehand that he wanted to sign the letter. Commissioner Heglar said that there is not now, nor does he foresee in the future, any resolution coming from the Town regarding seismic testing. He said he feels the Town shouldn't get involved in Federal/State issues, but encouraged the citizens to write to the officials in Washington DC, stating their opinion. He said that Kure Beach Town Council should operate in the space of the local community for such things as local taxes, parking fees, beach nourishment, etc. He told the public that the Town Council agenda is available to the public online four days before the monthly Council meeting and the public should make itself aware of what's going on in its town. He said the issue of the letter was listed on the December agenda, yet only one person came to voice his opinion that the Mayor should be able to sign it. He said that tonight's meeting had the best attendance he's seen in years and asked everyone who attended to get involved in, and be more informed about, their local government.

Judy Larrick said she agreed with Commissioner Heglar that the Mayor has a right to his personal opinion and she hopes everyone will write letters to Washington DC about this issue.

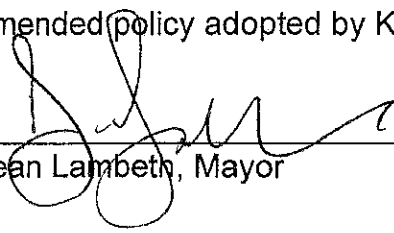
**Section 4.01 Facility Reservation General Policies**

Adopted 5/20/13

It is the policy of the Town of Kure Beach to maintain the Ocean Front Park and Community Center for all residents of the Town and surrounding area. It is the goal of the Town of Kure Beach to make these available to individuals and organizations that will promote the productive use of the facilities for Town residents. ~~In appropriate circumstances,~~ Outside groups and organizations may use these facilities **for civic, recreational and social purposes** upon approval by the Town of Kure Beach. This document is to ensure that:

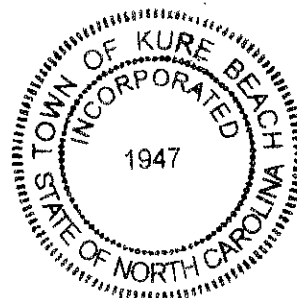
- The Town of Kure Beach facilities are allocated in a fair and equitable manner.
- All users of the Town of Kure Beach facilities understand the policies pertaining to the use of the facilities.
- All users of the Town of Kure Beach facilities exercise good judgment in the use and care of the facilities.

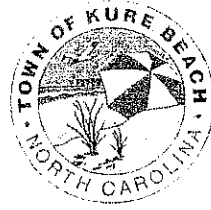
Amended policy adopted by Kure Beach Town Council on Monday, January 27, 2014.

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

ATTEST:

  
\_\_\_\_\_  
Nancy Hewitt, Deputy Town Clerk





## ORDINANCE AMENDMENT

That Chapter 12, Parks and Recreation, Article III Community Center, Sections 12-50, 12-51, 12-52, 12-54, 12-56 and 12-61 of the Code of the Town of Kure Beach, North Carolina, is hereby amended as follows:

Sec. 12-50. - Community Center Committee.

The Community Center Committee shall consist of ~~eleven (11)~~ seven (7) members of the community at large all of whom shall be permanent residents of Kure Beach. The committee members shall hold no other public office under the town government and shall be appointed by the town council.

Sec. 12-51. - Terms, removal and filling of vacancies.

- (a) Community Center Committee members shall have no term limits.
- (b) Members may be removed by the appointing authority for inefficiency, neglect of duty, or malfeasance in office.
- (c) Vacancies occurring for reasons other than expiration of term shall be filled as they occur.
- (d) Faithful attendance at meetings of the committee is considered a prerequisite for the maintenance of membership on the committee. The ~~eleven (11)~~ seven (7) committee members shall have equal voting powers on all matters which come before the committee.

Sec. 12-52. - Organization, meetings and quorum.

- (a) The committee as soon as practicable after the annual appointment shall meet and organize by electing officers as deemed necessary. The term of officers shall be one (1) year with eligibility for reelection.
- (b) The committee shall meet at least once a month. Regular meetings shall be open to the public. The committee shall adopt rules for transaction of its business and shall keep a record of its members attendance and of its

resolutions, findings and recommendations, which records shall be part of the public record.

- (c) There shall be a quorum of ~~six (6)~~ four (4) members for the purpose of taking any official action.
- (d) All members of the committee shall serve without compensation.

Sec. 12-54. - Powers and duties, generally.

It shall be the duty of the committee:

- (1) To promote and oversee the use of the Kure Beach Community Center Building. ~~and other such recreational facilities which may be lawfully assigned to it from time to time by the town council.~~
- (2) To recommend policies and procedures to council which shall promote and encourage the use of the community center building for the public enjoyment and benefit.
- (3) To keep the town council and the general public informed and advised as to these matters on a regular basis.
- (4) To annually recommend, prepare and submit for adoption to the town council an annual budget.

Sec. 12-56. - Deposits and lease agreements.

- (a) A deposit shall be required when reserving the community center in such amount as determined by the town council. The deposit shall be returned after the community center is inspected by the committee, or its designee, and found clean and undamaged.
- (b) A lease agreement shall be signed at the town hall at the time the deposit is made, between the party reserving the community center and the town. The town attorney shall prepare and include within the lease a hold harmless agreement protecting the town from all loss or damage arising out of the lease.
- (c) ~~Whenever a commercial or business entity reserves the community center for profit purposes where merchandise, goods and services are sold~~



~~where the general public is invited to attend, then and in that event, the entity reserving the community center shall have and maintain comprehensive general liability insurance coverage with minimum single limits of three hundred thousand dollars (\$300,000.00) per, combined single limit for bodily injury and property damages, and a copy of a certificate of insurance shall be furnished to the town one (1) week before the scheduled event begins, exception being, that~~

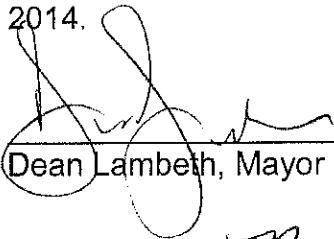
Any event which is sponsored by the community center committee for education; recreational, entertainment or physical exercising events shall be exempt from the insurance provision hereinabove but they shall comply with all other provisions of this section as well as executing a hold harmless clause in favor of the town.

- (e) The town council shall have the right to disapprove any request for use of or lease of the community center building for any reason which it shall deem inappropriate.

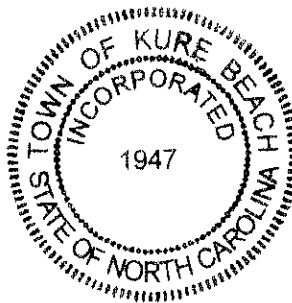
Sec. 12-61. - Bookings and reservations.

All bookings and reservations of the community center shall be conducted by and through ~~the community center committee~~ town staff in order to ensure there are no conflicts in the scheduling of the use thereof. The deposits and lease agreements shall be as set out in section 12-56. In the event of a conflict which the committee cannot resolve; then and in that event, the aggrieved party may appeal to the town council to resolve the conflict.

Ordinance amendments adopted by Kure Beach Town Council on Monday, January 27, 2014.

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

ATTEST:   
\_\_\_\_\_  
Nancy Hewitt, Deputy Town Clerk





# TOWN COUNCIL MINUTES

REGULAR MEETING

January 27, 2014

She said she was upset that the letter wasn't signed, "Dean Lambeth," but that it was signed "Dean Lambeth, Mayor of the Town of Kure Beach." She said it didn't seem ethical for him to sign it that way.

Commissioner Heglar said the Mayor should be able to use his title. He said that it was brought up by him and another Council member at the December Council meeting to poll the community before signing the letter, but it was voted down.

Commissioner Swearingen thanked everyone for coming, regardless of which side of the issue they are on. She said she is glad to see them get involved in a government process because that is democracy at its best. She said she spoke to the wife of a gentleman who used to be a Town volunteer, and he felt that Council never wanted to hear his opinion. She said that was incorrect and Council is listening and wants to hear from its citizens. She instructed everyone to never give up on making their voices be heard.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS (continued)

### 3. Inclement Weather

Commissioner Heglar said that NHC government has announced that their offices will be closed on Wednesday due to inclement weather.

MOTION – Commissioner Heglar made the motion to give Finance Officer Copenhaver authority to close Town Hall early on Tuesday and open late on Wednesday, based on weather and road travel conditions.

SECOND – Commissioner Swearingen

VOTE – Unanimous

## ADJOURNMENT

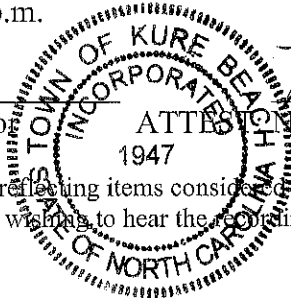
MOTION – Commissioner Heglar made the motion to adjourn.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Meeting adjourned at 9:22 p.m.

Dean Lambeth, Mayor



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.