



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**FEBRUARY 18, 2014 @ 6:30 p.m.**

The Kure Beach Town Council held their regular Council meeting on Tuesday, February 18, 2014. Town Attorney Canoutas was in attendance and a 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**

Building Inspector – John Batson  
Police Chief – Dennis Cooper  
Public Works Director – Sonny Beeker  
Finance Officer – Arlen Copenhaver  
Town Clerk – Nancy Avery  
Deputy Town Clerk – Nancy Hewitt

## **CALL TO ORDER**

Mayor Lambeth called the Regular Council meeting to order at 6:30 p.m., delivered the invocation and led everyone in the Pledge of Allegiance.

## **APPROVAL OF CONSENT AGENDA ITEMS**

1. Accept resignation of Glenda Dodge from the Community Center Committee.
2. Appoint Lore Eccleston as a member of the Community Center Committee.
3. Appoint Pat Slachetka as a member of the Community Center Committee.
4. Approve expenditure of \$800 for Mayor Lambeth and Mayor Pro Tem Bloszinsky to attend mandatory Essentials of Municipal Government training for newly elected officials in Wilmington on 2/24 and 2/25/14.
5. Approve travel for Mayor Lambeth and Commissioner Swearingen to attend the NC Water Resources Congress in Washington DC from 3/10-3/12/14 at approximate cost of \$1,350.
6. Approve travel for Mayor Lambeth, Mayor Pro Tem Bloszinsky and Commissioner Swearingen to attend the 2014 NC Coastal Local Government Annual meeting in Nags Head from 3/17-3/18/14 at approximate total cost of \$1,583.
7. YTD Finance Report
8. Police Department Report – January 2014
9. Fire Department Report – January 2014
10. Approval of Meeting Minutes:
  - January 7, 2014 Council Retreat
  - January 17, 2014 Beach Town Breakfast
  - January 27, 2014 Regular Council



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

SECOND – Commissioner Pagley

VOTE – Unanimous

### ADOPTION OF THE AGENDA

Mayor Lambeth called for a Closed Session to be held at the end of the Council meeting for the purpose of discussing a personnel issue, as per N.C.G.S. 143-318.11(a)(6).

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

SECOND – Commissioner Pagley

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Tiffany Lesley, Special Olympics Coordinator – Polar Plunge

Ms. Lesley announced that the 10<sup>th</sup> Annual Special Olympics Polar Plunge was being held this Saturday and urged the public to join in. She asked Council members to be at the event around 1:00 p.m. so she could introduce them.

2. Gail McCloskey, Pleasure Island Chamber of Commerce – Funding Request

Ms. McCloskey said this year will mark the 12<sup>th</sup> season of the free concerts at the Fort Fisher Air Force Recreation Area that will be held from June 18<sup>th</sup> through August on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays. She asked Council to approve \$8,800 in funding to sponsor the concerts.

Finance Officer Copenhaver clarified for Council that the funding is usually paid from the upcoming fiscal year's budget, even though the concerts start in June.

Ms. McCloskey asked Council if someone would like to be a judge at the Chowder Cook-off on April 12<sup>th</sup>, to which Mayor Pro Tem Bloszinsky responded that he would check his calendar and get back to her with an answer.

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning (P&Z) Commission

a. Revised Proposed New Ordinance, Section 19-84: K Avenue Mixed-Use Overlay District  
P&Z Chairperson, Craig Galbraith, asked Council to approve the revised proposed new ordinance. He said P&Z revised the original proposal so as to clarify that all properties in the district are required to have a residential component.

Building Inspector Batson said the ordinance meets the intent of the Town's Land Use Plan and it has his support. He said he wouldn't have any problems enforcing the residential component.



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**MOTION** – Mayor Lambeth made the motion to approve the revised proposed new ordinance, Section 19-84 K Avenue Mixed-Use Overlay District, as presented.

**SECOND** – Commissioner Heglar

**VOTE** – Unanimous

b. Revised Proposed Ordinance Revision, Section 19-378: Illumination  
Chairperson, Craig Galbraith, said that P&Z added security and emergency lighting to the proposed ordinance and clarified that the ordinance doesn't apply to residential properties. He said he looked for Kure Beach businesses that were out of compliance with the proposed ordinance, but four of them were closed when he drove by them.

Commissioner Heglar asked Building Inspector Batson how a current business that is in violation of the proposed ordinance would be handled, to which Inspector Batson responded that he thought the lighting ordinance was only going to apply to the K Avenue Mixed-Use district. He said he disagrees with the plan completely if it is for the entire business district.

Mr. Galbraith said that similar language has been put in the K Avenue Mixed-Use district ordinance in order to protect the residences in that district, but the language being discussed now applies to all commercial buildings.

Inspector Batson said that the biggest problem he has with it is that someone could come before P&Z with a lighting plan that looks great and P&Z has no guidelines on which to base their decision. He said he will have to go to every business that is currently violating the ordinance, if it is approved, and then they will have to come to P&Z and then to Council to have their lighting plan approved. He said that it is a lot easier to spell out what the Town doesn't want rather than to put an ordinance into effect that says the Town "might" allow something.

Mr. Galbraith suggested putting a Grandfather Clause into the ordinance, although he didn't recommend it.

Commissioner Heglar said he doesn't like telling people they can't do something on their own property that they could do before because it is like "the taking" of someone's property, or at least it's limiting what they can do with their own property.

Chairperson Galbraith said that he has been in the planning field for a long time and the whole idea of planning is to be proactive. He said that, although he doesn't see any major problems with lighting in Kure Beach currently, he feels that there desperately needs to be language in the Town ordinance to keep business owners from "wrapping" their businesses with lights.

Inspector Batson said the sign ordinance addresses inappropriate lighting and he recommended that he and P&Z be given more time to discuss the ordinance before bringing it back to Council.



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Commissioner Heglar said that he wants to know that no business in Kure Beach is currently out of compliance because he would rather the ordinance be worded properly to avoid problems with current businesses that are out of compliance, rather than to put a Grandfather Clause into the ordinance.

**MOTION** – Commissioner Pagley made the motion to send the proposed ordinance revision back to P&Z for further discussion and for them to report back to Council if any Kure Beach businesses are currently out of compliance with it.

**SECOND** – Commissioner Heglar

**VOTE** – Unanimous

**2. Shoreline Access, Beach Protection & Parking Committee**

**a. Cigarette Butt receptacles, request to fund**

Chairperson, Andy Barnard, said that the committee wants funding approval to buy the materials needed for cigarette butt receptacles that the committee will manufacture themselves. He asked Council to approve funding the materials at a total cost of \$2,050. He said that Public Works would need to empty the receptacles about once a week in-season and once a month off-season.

Commissioner Swearingen said the Surfrider Foundation has agreed to put at least \$500 toward the receptacles and to help construct and install them, to which Mr. Barnard added that he understands the money will be given to the Town to go against the expense.

Public Works Director Beeker said his crew would be able to empty the receptacles, but he wants to talk further with the committee before putting in more posts at the beach entrances for the receptacles, since there are already so many posts there now.

Commissioner Pagley suggested installing some of the receptacles on posts that are already in the ground and asked Mr. Barnard to consult with Director Beeker about putting in additional posts, where needed.

Mayor Pro Tem Bloszinsky stated that the amount needed for the project would probably be no more than \$2,000, since they may use some posts that are already in the ground.

**MOTION** – Commissioner Heglar made the motion to approve funding up to \$2,000 from the Committee budget to purchase the materials to build 24 cigarette receptacles with instructions for the committee to work with Public Works to decide where and how to install them.

**SECOND** – Mayor Pro Tem Bloszinsky

**VOTE** – Unanimous



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**b. Mission Statement approval**

Chairperson Barnard asked Council to approve the committee's mission statement, explaining that the first paragraph is from the former Shoreline Access and Parking Committee, the second paragraph is from the former Beach Protection Committee and the last paragraph addresses the committee's role in signage for the Town.

**MOTION** – Mayor Pro Tem Bloszinsky made the motion to approve the committee's mission statement, as presented.

**SECOND** – Commissioner Heglar

**VOTE** – Unanimous

Said mission statement is herein incorporated as part of these minutes.

Mr. Barnard told Director Beeker that some of the storm drainage pipes have come loose in the last week and are lying on the dunes near the 2100 Building of Ocean Dunes and some are lying at The Riggings.

**3. Stormwater & Environmental Committee**

Chairperson, John Gordon, told Council that the committee will hold its March meeting at the Community Center on Monday, March 17<sup>th</sup> at 6:30 p.m., featuring two guest speakers who will talk about rainwater capture and plant irrigation. Mr. Gordon said that they are hoping to get a rain barrel to be raffled off during the meeting.

Commissioner Swearingen asked that the title of the event on the Town's website be reworded to say something about rainwater capture and to include something about the rain barrel raffle.

**DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS**

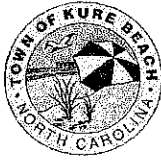
**1. Police Department**

Police Chief Cooper told Council that a little after 11:00 a.m. on February 27<sup>th</sup>, about 250 Marines will be marching south on Fort Fisher Boulevard for an event they are holding.

**2. Public Works Department – Utility Burial Project Update**

Director Beeker said that the utility burial project is a little behind schedule due to the poor weather conditions, but that the north side of K Avenue is just about finished and the poles might be removed by next Monday. He expects work will begin on the south side of K Avenue by next week and then the road will be paved the following week, if good weather continues.

K Avenue business owner, George Turner, commended Director Beeker and his Public Works crew for doing "a fantastic job." He said he has been at the work site every day and people are still able to come down K Avenue and into his business. He said he doesn't have any complaints.



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## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Budget Calendar for FY14-15

MOTION – Commissioner Heglar made the motion to amend the times on the proposed FY14-15 Budget Calendar for the April 10<sup>th</sup> and April 24<sup>th</sup> Budget Workshops to begin at 8:00 a.m. instead of 9:00 a.m., and to approve the calendar, as amended.

SECOND – Commissioner Pagley

VOTE – Unanimous

### 2. Encroachment agreement for pool at 510 N. Fort Fisher Boulevard

Mayor Pro Tem Bloszinsky said the Inspections department hasn't received the revised proposal, so there's nothing to be done at this time. He asked that the item be kept on upcoming Council agendas until a plan is presented.

Building Inspector Batson said the pool builder came by his office and presented an option that would cover the same amount of ground that the last plan covered; there would be a smaller pool but a bigger deck.

Mayor Pro Tem Bloszinsky said that they were instructed at the last meeting not to exceed more than 35 feet out, whereas the original plans for the pool and deck extended about 40 feet out, which was too close to the dunes.

### 3. Sandman Drive property

Building Inspector Batson said he talked with Public Works Director Beeker about the plot plans and they both feel that Plan D is the best option for subdividing the property.

Mr. Gordon said the Stormwater and Environmental Committee was concerned about the effects developing the Sandman property would have on storm water runoff, to which Mayor Lambeth said the water would run off of Beachwalk's property and flow into Beachwalk's retention pond.

Inspector Batson said he will need to have Plan D surveyed and should be able to fund it from his budget, but he may have to come back to Council if he isn't able to handle the entire amount. He said the step after that will be to give the survey to P&Z to make recommendation to Council.

Director Beeker said that there is a swell at the back of the property for which the Town may need an easement in order to manage it; this would need to be addressed at some point.

MOTION – Mayor Pro Tem Bloszinsky made the motion to have Plan D of the Town-owned Sandman Drive property surveyed, at a reasonable cost not to exceed \$1,000, and then to send the survey to P&Z for recommendation to Council.

SECOND – Commissioner Heglar

VOTE – Unanimous



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**4. Update to resolution to use second 3% of Room Occupancy Tax (ROT)**

Mayor Lambeth said that local State representatives are on board with the beach towns wanting to use the entire portion of their ROT, except Wilmington Rep. Susi Hamilton and Kevin O'Grady from Wilmington City Council. He said that Carolina Beach Mayor, Dan Wilcox, met with the TDA to let them know what is being considered and they may put up a fight about it. He said that Senator Rabon will bring it before his committee and wants representatives from the towns to be there to explain why they need the money. He said they may put a Sunset Provision in the proposal to last for four years, at which time they can seek renewal if the new legislation works. He urged Council to attend the meeting with the other two beach towns in Wrightsville Beach on February 27<sup>th</sup> at 4:00 p.m., for further discussion and to finalize a mutual resolution.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

**1. Approval of architectural plans for expansion of the Police Department (PD) and Fire Department (FD) buildings**

Mayor Pro Tem Bloszinsky said that the department heads should be commended for always looking for ways to fund their own projects without having to ask for much money from the Town. He said there are proposals for expansion of the FD and PD buildings that should be seriously considered.

Commissioner Heglar said the FD only wants to add what they can afford and what they need, and he feels it can be built very efficiently with help from FD volunteers.

Police Chief Cooper said that the PD building isn't as secure as it should be and the Property Room is more like a closet than a room. He said he will be taking a smaller office to make room for a larger room to talk to people in private and to allow for an additional office.

Commissioner Swearingen said that there has been continuing discussion about expanding Town Hall and other buildings over the years and the time has come for Council to decide when the expansion is going to start, what the buildings are going to look like, where the expansions are going to be located and how much it is all going to cost so that Council can figure out how to pay for everything. She said that this should all be discussed and a five- to ten-year plan should be developed, especially before the corral gets turned into a parking lot.

Commissioner Heglar proposed Council authorize both plans, as presented, and put money in the current budget process to have architectural plans drawn up, with input from the Department Heads. He said a plan that may be good for five years may not necessarily be good for ten years, and said the current plans fix the PD and FD issues, for now, without using General Fund money. He said approving the current plans will give Council more time to take a serious look at long-term plans for Town buildings.



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Chief Cooper said that, if the PD plan is approved, his next step is to obtain the cost to build and, if the estimate is too high, he may not go forward with his plan. He recommended that Council use his architect, if they are serious about doing a space analysis on Town buildings.

Building Inspector Batson said he has everything he needs from the PD and FD chiefs to get contractor quotes and to start moving forward.

MOTION – Commissioner Swearingen made the motion to approve the plans, as submitted, for the expansion of the Police and Fire Department buildings and for the department heads to give Council feedback on whether they plan to execute the expansion or not.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

## 2. Inclement Weather: Town Hall Closing

Mayor Pro Tem Bloszinsky told Council that Town Clerk Avery had to contact the Council members to see if she could send people home, during the recent inclement weather. He asked Council to give her permission to follow the County's closing/opening schedule instead of having to contact them, in a case like this.

Commissioner Swearingen asked Commissioner Heglar if it would be better for the Town Clerk to get permission from him, since he is the Emergency Manager for the Town, to which he responded that he has no authority on this topic unless Council declares a State of Emergency.

Town Clerk Avery agreed that following the County's schedule is a good idea, but she pointed out that it is difficult to obtain information from the County in a timely manner. She asked to have the flexibility of making the decision on her own, if the County isn't timely with its notices.

Commissioner Heglar told the Town Clerk he would talk further with her on the subject and would provide her with a direct phone number to Warren Lee with the County's Emergency Operations department for future information on closings and openings.

## CLOSED SESSION

MOTION – At 8:04 p.m., Commissioner Swearingen made the motion to go into Closed Session for the purpose of discussing a personnel issue, as per N.C.G.S. 143-318.11(a)(6).

SECOND – Commissioner Heglar

VOTE – Unanimous

## OPEN SESSION

MOTION – Commissioner Heglar made the motion to return to open session at 8:32 p.m.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous





# Shoreline Access, Beach Protection & Parking Committee

## Mission Statement

The mission of the committee is to identify shoreline access needs of the Town of Kure Beach, to include a comparison of the existing Kure Beach access sites to the State of North Carolina beach access standards, identification of existing access deficiencies and recommendations on how to meet future shoreline access needs.

The mission of the committee also includes working with Town officials and staff, businesses, and residents to oversee and ensure the operation and maintenance of Town beach protection, preservation efforts and projects. The committee will make regular inspections of the beach and report findings to the Town Council. The committee will also advise and educate the community on efforts necessary to improve and maintain the quality of the beach for public use and enjoyment by its citizens and visitors. This will include education for residents and visitors on Town beach rules and fines for non-compliance.

The committee is also responsible for assessing the need for on-street parking facilities at shoreline access sites and remote parking facilities within the Town. The committee will advise the Town Council of these needs as they arise. In addition, the committee will provide the Town Council with recommendations on signage, either new or replacement, including design and cost, for beach and public areas in the Town of Kure Beach. The committee will be responsible for procuring signs upon approval of the council, while public works will have responsibility for sign installation.

Approved by Council February 18, 2014



# TOWN COUNCIL MINUTES

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**FEBRUARY 18, 2014 @ 6:30 p.m.**

MOTION – Commissioner Heglar made the motion for the Town to cover 100% of the health insurance for retiring employee, Andy Everhart.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

## ADJOURNMENT

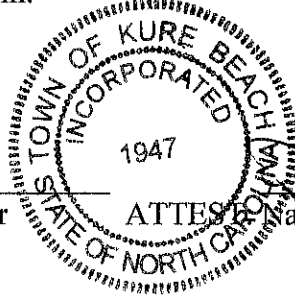
MOTION – Commissioner Heglar made the motion to adjourn.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Meeting adjourned at 8:33 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.