



# TOWN COUNCIL MINUTES

## REGULAR MEETING

July 22, 2014

The Kure Beach Town Council held a regular meeting on Tuesday, July 22, 2014 at 6:30 p.m. The Town Attorney was present and there was 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

Town Clerk – Nancy Avery

### CALL TO ORDER AND WELCOME

Mayor Dean Lambeth called the meeting to order at 6:30 p.m. The mayor delivered the invocation and led everyone in the Pledge of Allegiance.

### CLOSED SESSION

MOTION – Commissioner Heglar made the motion at 6:31 pm to go into Closed Session for the purpose of interviewing a candidate to provide part-time legal services for the Planning and Zoning Commission and the Board of Adjustment.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

### RETURN TO OPEN SESSION

MOTION – Commissioner Heglar made the motion at 6:58 p.m. to return to open session.

SECOND – Mayor Lambeth

VOTE – Unanimous

### APPROVAL OF CONSENT AGENDA ITEMS

1. Accept Beth Yaccarino's resignation from the Parks and Recreation Advisory Board and the Shoreline Access, Beach Protection and Parking Committee.
2. Accept Clifton Beasley's resignation from the Shoreline Access, Beach Protection and Parking Committee.
3. Accept Joan Van Ham's resignation from the Parks and Recreation Advisory Board.
4. Accept Richard Van Ham's resignation from the Parks and Recreation Advisory Board.
5. Accept Terri Chabot's resignation from the Parks and Recreation Advisory Board.
6. Approve Linda Cheshire's move from alternate member to regular member on the Shoreline Access, Beach Protection and Parking Committee.
7. YTD Finance Report



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8. Fire Department Report – June 2014
9. Building Inspection Report – June 2014
10. Approve Meeting Minutes:
  - June 17/20, 2014 Closed Session
  - June 17/20, 2014 Public Hearing
  - June 17/20, 2014 Regular
  - July 3, 2014 State of Emergency
  - July 4, 2014 Lift State of Emergency
  - July 8, 2014 Special

MOTION – Commissioner Heglar made the motion to approve the consent agenda with one change, replacing page 5 of the minutes from the special meeting held July 8, 2014.

SECOND – Commissioner Pagley

VOTE – Unanimous

## ADOPTION OF THE AGENDA

Commissioner Swearingen requested the following as Item 2 under New Business:  
Discussion on homeowner insurance rate hearing on August 6, 2014.

Commissioner Heglar requested Item 1 under Old Business (Approval of contract for part-time legal services) be addressed after Presentations to Council.

MOTION – Commissioner Heglar made the motion to adopt the agenda with the two changes referenced above.

SECOND – Commissioner Pagley

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Tyler Newman from Business Alliance for a Sound Economy (BASE): EPA & USACE Wetlands/Waters of the U.S. Rules

Mr. Newman stated the Business Alliance for a Sound Economy (BASE) has a lot of concerns about proposed changes by the Environmental Protection Agency (EPA) and the US Army Corps of Engineers to Federal regulations regarding definition of “Waters of the United States.” He stated that the proposed changes would accomplish the following:

- Expand the definition of areas that have not previously been considered U.S. waters, such as ditches, flood plains and tributaries, thus causing significant economic development issues in our area.
- Consider a built-on area such as Middle Sound as wetlands and non-buildable.



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Mr. Newman said that a public comment period was scheduled to end July 22, 2014, but was extended to October 20, 2014. Comments may be submitted at [www.regulations.gov](http://www.regulations.gov). The BASE website at [www.ncbase.org](http://www.ncbase.org)>waters of the US has additional information posted.

### DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. John Ellen, the Town's representative to the Wilmington Metropolitan Planning Organization (MPO) Citizens Advisory Committee stated the following:
  - He is working on a subcommittee that is drafting a 2040 ferry project planning document.
  - Potential hubs for future water taxi services are Belville, Wilmington on Independence Blvd, Carolina Beach and Wrightsville Beach.

### CONTRACT FOR PART-TIME LEGAL SERVICES

1. Approval of contract for part-time legal services

MOTION – Commissioner Heglar made the motion to accept Jim Eldridge as legal practitioner for part-time legal services for the Planning & Zoning Commission and the Board of Adjustment, as well as back up for the Town Attorney.

SECOND – Commissioner Swearingen

VOTE – Unanimous

The contract for Attorney Eldridge is herein incorporated as part of these minutes.

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee
  - a. Adopt Amended 2014 Tourism Development Authority (TDA) Marketing Budget

MOTION – Commissioner Heglar made the motion to approve the amended TDA budget with a 10% reduction in expenses, as presented.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Said TDA budget is herein incorporated as part of these minutes.

2. Parks & Recreation Advisory Board

Commissioner Swearingen asked Mayor Lambeth why so many members were resigning.

Mayor Lambeth stated that Joan Van Ham, Richard Van Ham and Terri Chabot turned in their resignations due to problems with committee meetings and because they disagreed with the ordinance regarding no alcohol at the Ocean Front Park.



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### 3. Shoreline Access, Beach Protection & Parking Committee

Committee Chairperson, Tony Gonsalves, stated that the lifeguards added a new tower; therefore, a new sign is needed for that tower at a cost of \$34.73 plus tax.

MOTION – Commissioner Heglar made the motion to approve the cost of the sign to be paid out of the committee budget.

SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

None

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Port, Waterway and Beach Commission update on Room Occupancy Tax (ROT) Mayor Pro Tem Bloszinsky stated the following:

- State Representative Ted Davis' bill on using unincorporated ROT funds for dredging was challenged by the Finance Committee. Currently the \$1 million in the fund may be used for tourist type activities, including inlet dredging. There appears to be no intent to use this money for a full dredging of the Carolina Beach inlet, though. How to use these funds is up for debate.
- New funds coming in must follow the original formula, meaning 40% for sand related activities and 60% for other tourism activities, but not for dredging.
- The Port, Waterway and Beach Commission, with him as the only dissenting vote, voted against doing the Carolina Beach nourishment project this year. The County is no longer in support of doing the project this year, although they originally approved it. Federal representative Mike McIntyre was able to get Carolina Beach a 15 year extension.
- The next Carolina Beach nourishment project will be done on the standard schedule in 2016. The US Army Corps of Engineers said 250,000 cubic feet per year generally erodes, costs will go up each year, and funds dedicated today may not be dedicated in the future. The Corps was in favor of going ahead with the storm reduction project in Carolina Beach in 2014 as previously decided.

Mayor Lambeth stated Layton Bedsole, New Hanover County Shore Protection Coordinator, said \$4,950 was approved as Kure Beach's portion for inlet dredging.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Cable route for service to 539 S. Fort Fisher Boulevard

Mayor Lambeth explained that the people that bought the lot at 539 S. Fort Fisher Boulevard want to bury cables in front of their house. This will go across one of the public accesses. The Public Works Director is okay with this.

**STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER**

**AGREEMENT FOR  
LEGAL SERVICES**

This Agreement For Legal Services ("Agreement") is made and entered into this \_\_\_\_ day of July, 2014 ("Effective Date") by and between the Town of Kure Beach, North Carolina ("Town") and James E. Eldridge of the Eldridge Law Firm, P.C. ("Attorney").

**WITNESSTH:**

**WHEREAS**, the Town requires outside legal services supplementing and supporting those of the current Town Attorney;

**WHEREAS**, Attorney has substantial experience as a Town Attorney;

**WHEREAS**, Attorney has agreed to provide the additional legal services the Town requires; and

**WHEREAS**, the parties intend for this Agreement to set forth the terms and conditions of their agreement:

**NOW, THEREFORE**, in consideration of the premises set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**SECTION 1. NATURE AND SCOPE OF REPRESENTATION.**

1.01 Attorney shall provide the Town with the additional legal services it requires to supplement and support those of the current Town Attorney, said services including, without limitation, the following:

a) Advising, assisting, and representing the Town's Planning and Zoning Commission ("Commission") on the legal matters coming before it including the drafting of ordinances, resolutions, and other legal instruments and keeping the Commission updated on legal changes applicable to its duties;

b) Advising, assisting, and representing the Town's Board of Adjustment ("Board") on the legal matters coming before it including the attendance of meetings and hearings conducted by the Board, drafting the written copies of decisions rendered by Board in the course of its quasi-judicial proceedings, providing training and updates on legal changes applicable to the Board's duties, and representing the Board in appeals of its decisions in superior court;

c) Advising and assisting the Town on other legal matters as may be requested including the provision of legal services in the absence of the Town Attorney.

**SECTION 2. TERM OF AGREEMENT.**

2.01 The term of this Agreement shall be for one (1) year commencing on the Effective Date. Following the initial term, this Agreement shall automatically renew for additional one (1) year terms unless and until terminated by either party pursuant to the provisions of Section 5 herein.

**SECTION 3. FEE.**

3.01 In exchange for the services provided hereunder, Town shall pay Attorney an hourly rate of \$150.00.

3.02 Attorney shall provide Town with monthly invoices and itemized billing statements detailing the services provided for that month. Said invoices are due and payable upon Town's receipt of same.

3.03 Attorney shall not charge a legal fee for travel time.

3.04 Attorney's position under the Agreement is that of an independent contractor.

**SECTION 4. EXPENSES.**

4.01 Town shall be responsible and billed for the customary and normal operating expenses Attorney incurs in conjunction with providing services hereunder. Such expenses shall be set forth on an itemized ledger and submitted to the Town along with the monthly invoices and billing statements.

4.02 Such expenses shall include, without limitation, the costs incurred by Attorney for postage, facsimile transmissions, delivery and courier services, copying, exhibit preparation, mileage, court costs, and recording fees. Copies shall be expensed at fifteen cents (.15) per copy and facsimile transmissions shall be expensed at a dollar and fifty cents (\$1.50) per occurrence for faxes containing up to five (5) pages and five dollars (\$5.00) per occurrence for faxes containing six (6) or more pages. Mileage shall be expensed at the then current IRS rate. There shall be no expenses charged for long-distance or mobile telephone calls or for computerized legal research.

**SECTION 5. TERMINATION OF AGREEMENT.**

5.01 Either party may terminate this Agreement by providing the other party with sixty (60) day's written notice of termination.

5.02 Notice shall be provided by personal delivery or by electronic or first class mail addressed to the respective party at the following addresses:

**ATTORNEY:** James E. Eldridge  
ELDRIDGE LAW FIRM, P.C.  
Post Office Box 1380  
Wilmington, NC 28402  
[jec@ec.rr.com](mailto:jec@ec.rr.com)

**TOWN:** Town Clerk  
TOWN OF KURE BEACH  
117 Settlers Lane  
Kure Beach, NC 28449  
[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)

5.03 Notice shall be effective upon delivery provided that mailed notice shall be deemed delivered on the third (3<sup>rd</sup>) business day following the date of mailing.

**SECTION 6. ENTIRE AGREEMENT.**

6.01 This Agreement constitutes the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on either party or admissible into evidence except as provided for herein.

**SECTION 7. MODIFICATION OF AGREEMENT.**

7.01 This Agreement may be modified or amended by a signed/dated written addendum hereto.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives on the day and year first written above.

**TOWN OF KURE BEACH**

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

**ATTEST:**

\_\_\_\_\_  
Nancy Avery, Town Clerk

**ELDRIDGE LAW FIRM, P.C.**

\_\_\_\_\_  
James E. Eldridge, President

Kure Beach, et Allocations FY 14-15  
Final June 2014

*Council*  
*approved*  
*11/22/14*  
*Tracy*

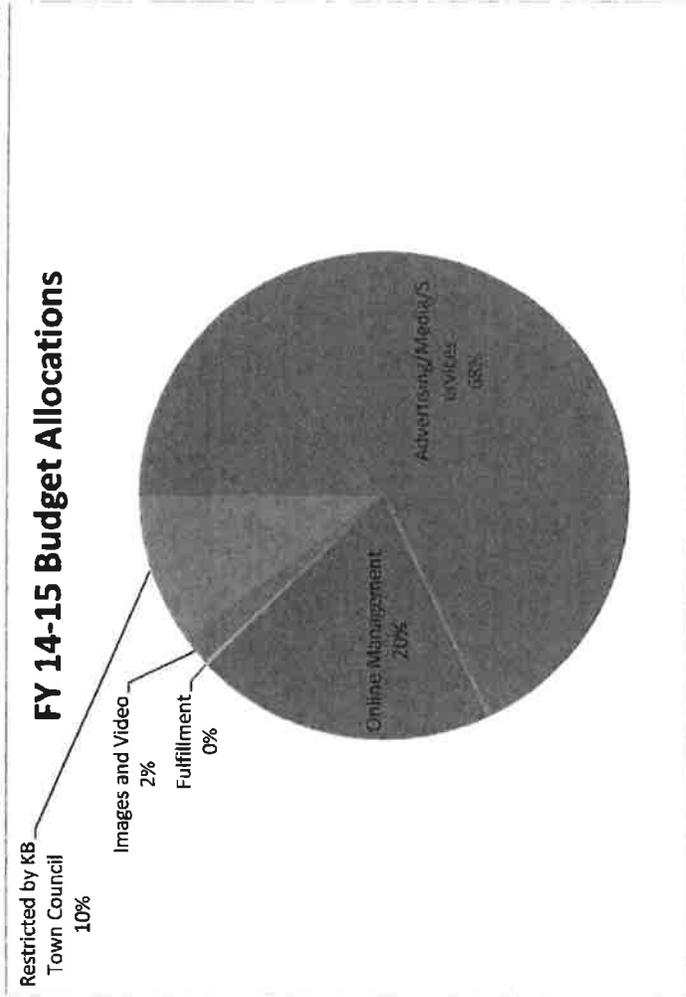
<b>ADVERTISING/MEDIA/SERVICES</b>		
Media	Print	\$4,254.00
	Online	\$36,139.00
	Pay Per Click (Google, Facebook, Looksmart)	\$12,194.00
	Promotional Giveaways	\$1,000.00
	Public Relations	\$17,000.00
	Social Media/Postings/Strategy/Promotions/	\$8,000.00
	Agency Retainer/Project Management/Meetings	\$4,050.00
	Agency Research/Analysis	\$1,907.00
	Print/Online/PPC/Eblasts/Photo Direction	\$11,687.00
<b>ADVERTISING/MEDIA/SERVICES TOTAL</b>		<b>\$96,231.00</b>
<b>ONLINE MANAGEMENT</b>		
	Account Management	\$2,000.00
	PPC Management	\$1,600.00
	Analytics Licensing	\$1,250.00
	Hosting	\$300.00
	Domain Renewals	\$250.00
	Especials Distribution (6)	\$3,900.00
	SEO	\$4,000.00
	PPC Spend	\$8,000.00
	Maintenance/General Improvements	\$1,000.00
	MomentFeed Social Media	\$1,800.00
	Cross Promotion Filter Modification	\$750.00
	Responsive Site Design	\$3,000.00
	Mobile Site Hosting	\$34.00
<b>ONLINE MANAGEMENT TOTAL</b>		<b>\$27,884.00</b>
<b>FULFILLMENT</b>		
	Postage	\$0.00
	Handling/Service Fees	\$0.00
	Storage Fees	\$300.00
<b>FULFILLMENT TOTAL</b>		<b>\$300.00</b>
<b>IMAGES &amp; VIDEO</b>		
	Video	\$1,000.00
	Image Rights	\$60.00
	Photography (Images, Usage Rights, Talent)	\$1,857.00
<b>IMAGES &amp; VIDEO TOTAL</b>		<b>\$2,917.00</b>
<b>RESTRICTED BY KB TOWN COUNCIL</b>		
<b>FY Budget Total</b>		<b>\$14,148.00</b>
<b>FY Actual Budget</b>		<b>\$141,480.00</b>

FY13-14 \$1K Pre-Pay  
FY13-14 \$1K Pre-Pay

\*

**FY 14-15 Budget Allocations**

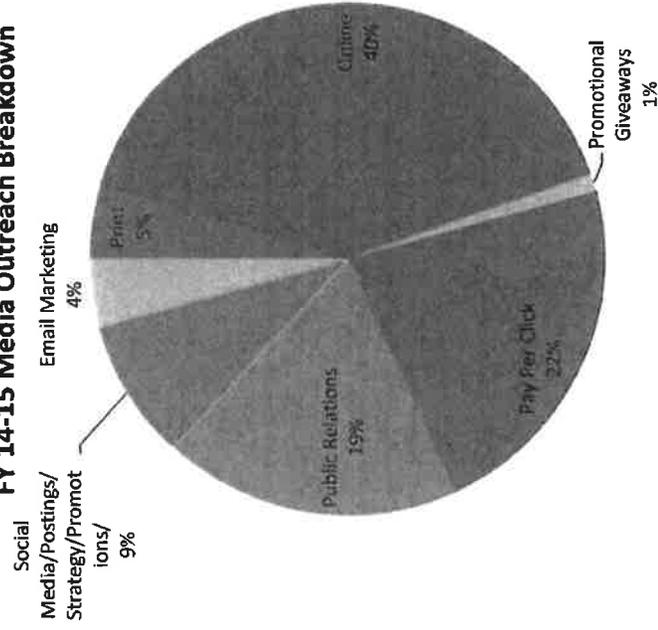
Advertising/Media/Services	\$96,231.00
Online Management	\$27,884.00
Fulfillment	\$300.00
Images and Video	\$2,917.00
Restricted by KB Town Council	\$14,148.00



**FY 14-15 Media Outreach Breakdown**

Print	\$4,254.00
Online	\$36,139.00
Promotional Giveaways	\$1,000.00
Pay Per Click	\$20,194.00
Public Relations	\$17,000.00
Social Media/Postings/Strategy/Promotions/ Email Marketing	\$8,000.00
	\$3,900.00

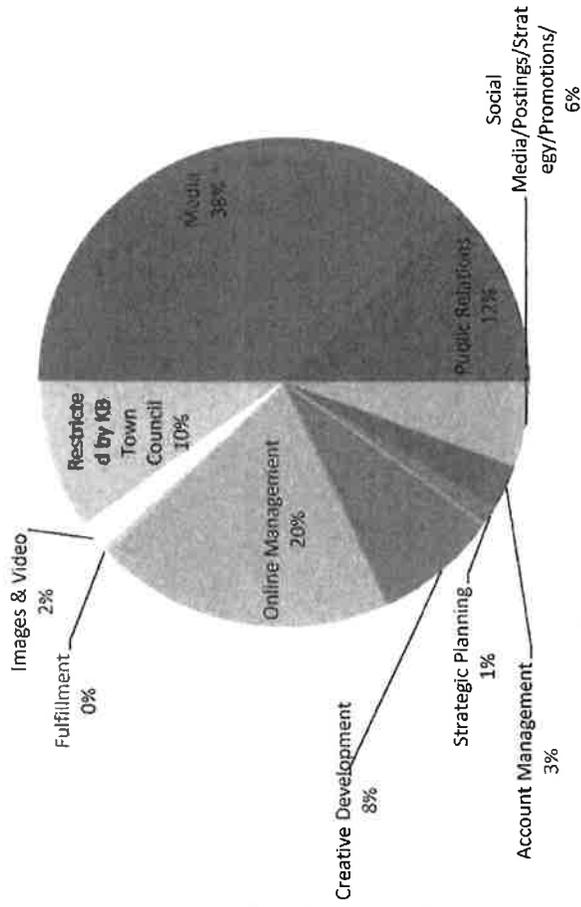
**FY 14-15 Media Outreach Breakdown**



FY 14-15 Media Breakdown Compared to Total Budget Allocations

Media	\$53,587.00
Public Relations	\$17,000.00
Social Media/Postings/Strategy/Promotions/	\$8,000.00
Account Management	\$4,050.00
Strategic Planning	\$1,907.00
Creative Development	\$11,687.00
Online Management	\$27,884.00
Fulfillment	\$300.00
Images & Video	\$2,917.00
Restricted by KB Town Council	\$14,148.00

FY 14-15 Media Breakdown Compared to Total Budget Allocations





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## REGULAR MEETING

July 22, 2014

MOTION – Commissioner Heglar made the motion to approve the work to take place after Labor Day.

SECOND – Commissioner Pagley

VOTE – Unanimous

### 2. Public hearing in Raleigh on homeowners insurance

Commissioner Swearingen stated she thinks there is a public hearing in Raleigh on August 6, 2014 on the increase in homeowner insurance for the state of North Carolina. If it is like the last time, it will be from about 9:00 a.m. to 4:00 p.m. She asked if anyone on Council is planning on attending or if anyone on Council has any words of wisdom for those that do attend.

It was agreed that it is important for Council members to attend and it would be a good idea to possibly travel together.

MOTION – Commissioner Heglar made the motion for travel expenses to be covered for any commissioners that want to attend.

SECOND – Commissioner Pagley

VOTE – Unanimous

The Town Clerk is to confirm the date and time of the public hearing and let Council members know.

## ADJOURNMENT

MOTION – Commissioner Heglar made the motion to adjourn at 7:42 p.m.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Dean Lambeth, Mayor



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 verify the recording of this meeting may request to do so by contacting the Town Clerk.