



TOWN COUNCIL MINUTES

REGULAR MEETING

September 15, 2015

The Kure Beach Town Council held their regular meeting on Tuesday, September 15, 2015 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 (MPT) Craig Bloszinsky
Commissioner Emilie Swearingen
Commissioner David Heglar
Commissioner Steve Pagley

STAFF PRESENT

Building Inspector – John Batson
Assistant Fire Chief – Ed Kennedy
Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER AND WELCOME

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

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve M.L. Smith's resignation from the SLABPP Committee
2. Approve Sarah Smith's move from an alternate position to a regular member position on the SLABPP Committee
3. Approve Proclamation P15-01, proclaiming September 17 through September 23, 2015 Constitution Week
4. Building Inspections Report
5. YTD Finance Report
6. Meeting Minutes:
 - August 18, 2015, regular

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

SECOND – Commissioner Swearingen

VOTE – Unanimous

Said Proclamation P15-01 is herein incorporated as part of these minutes.



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ADOPTION OF THE AGENDA

MOTION – Commissioner Heglar moved to adopt the agenda, as presented.

SECOND – Commissioner Swearingen

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Consideration of Resolution R15-11, to adopt the Cape Fear Transportation 2040 Plan
Mr. John Ellen, the town's representative on the Wilmington Urban Area Metropolitan Planning Organization (WMPO) Citizens Advisory Committee (CAC) introduced Suraiya Rashid who is a senior transportation planner with the WMPO. Together, they presented the final draft of the Cape Fear Transportation 2040 plan, making the following points and requesting that council adopt the resolution:

- The transportation plan is required by federal law.
- During the two year planning phase, over 4,000 survey responses were received from the public and several public open houses were held.
- The public was also invited to attend CAC monthly meetings.
- The plan is the basis for the State Transportation Improvement Plan.
- There is a fiscal constraint requirement, so financial analysis is included in the plan.
- An environmental analysis was included in the plan which looks at the natural and social justice impacts of the plan.
- They hope to have the final plan adopted by all required entities by December 9th.
- As the plan is implemented, the WMPO will continue to monitor it for adjustment, as needed.

MOTION – Commissioner Heglar moved to adopt Resolution R15-11, adopting the Cape Fear Transportation 2040 Plan, as presented.

SECOND – Commissioner Pagley

VOTE – Unanimous

Said Resolution R15-11 is herein incorporated as part of these minutes.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning (P&Z) Commission

- a. Text amendment request from contractor of 517 Anchor Way to add a third exception to Section 19-320 of the Code of Ordinances

Commission Vice Chair, Joseph Whitley, said that P&Z received a request for a text amendment to the code and, after hearing all of the information on the request and its circumstances, they voted unanimously to not recommend adopting the text amendment.



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MPT Bloszinsky explained the situation further and said that he supports P&Z's recommendation and that the Building Inspector also agreed not to support the amendment request.

MOTION – Commissioner Heglar moved to deny a request submitted for 517 Anchor Way to amend the text in the Code of Ordinances to add a third exception under Section 19-320, Control of setbacks.

SECOND – Commissioner Swearingen

VOTE – Unanimous

6. Shoreline Access, Beach Protection and Parking Committee

a. "H" Avenue Beach Access Ramp

Committee Chair, Tony Gonsalves, asked council to approve a \$2,500 expenditure from the committee budget to pay for design and engineering services for the "H" Avenue beach access ramp. He said that, when the original plan was laid out, they didn't know they had to have a PE design it. He said that the town's grant writer already put the first estimate they received into the grant, and she said it wouldn't be prudent to go back to the grantor to ask for more money. So, the \$2,500 has to come from the town. He said that, without this funding from the town, they can't go forward with the submission of the final grant application.

MOTION – Commissioner Heglar moved to approve payment of \$2,500 from the committee budget for design and structural services in order to proceed with the submission of the final CAMA grant application.

SECOND – MPT Bloszinsky

VOTE – Unanimous

b. Adopt-A-Beach Program

Ann Hughes, a member of the SLABPP Committee, asked Council to approve the committee to have a subcommittee that will develop and present a final proposal to council to have an Adopt-The-Beach (ATB) Program for the town. This program would encourage community involvement to keep the beach clean and protect the dunes. She said they would also like to have an ATB link on the town's website to direct the public to the program's site once the plan is approved.

Commissioner Heglar said that they would need to come back with a proposal of the full program for the town attorney and department heads to look at before council would consider final approval.



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CONSENSUS – Council directed the SLABPP Committee to move forward with the proposal to develop a plan to institute an Adopt-The-Beach program in Kure Beach; the final proposed plan is to be presented to council for final approval.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

Authorization for street closings and food vendors for upcoming events, as follows:

- For Half Marathon scheduled on Sunday, October 4th: close Dow Road, K Ave (between Dow and Settlers), Settlers Ln, Mackerel Ln from 8 a.m. to 11 a.m.
- For Farewell Summer Jazz Funeral and Concert scheduled on Friday, October 9th: close Atlantic Ave from K to L Ave from 1 a.m. to 10 p.m. and at L Ave from Fort Fisher Blvd to Atlantic Ave from 5 p.m. to 5:15 p.m.; also approved food trucks.
- For Holiday Markets scheduled on Saturday, November 21st and November 28th: close Atlantic Ave from K to L Ave from 1 a.m. to 5 p.m.; also approved food trucks.

Additional points made:

- The department heads have been made aware of the events.
- They don't want to interfere with the business at downtown restaurants, so the food vendor for the Farewell Jazz Funeral and Concert will be situated on Atlantic Avenue north of the Seven Seas Motel.
- They have three food vendors they'd like to use during the Holiday markets.

MOTION – Commissioner Heglar moved to approve the proposed road closings and food truck vendors, as presented.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. Fire Department (FD)

Assistant Fire Chief Kennedy said the FD was awarded a FEMA “Assistance to Firefighters Grant” in the amount of \$16,150. He said that the old estimates they received for a 2,000 foot hydrant hose, one thermal imager and three tough book computers had to be revised due to inflation. He said that the FD only budgeted \$850 for this equipment, but now they will need a total of \$2,266 because of the difference in costs.

MOTION – Commissioner Heglar moved to approve the use of Fire Department budget funds in the amount of \$2,266 to facilitate the purchase of equipment, in conjunction with a FEMA grant in the amount of \$16,150, for a total equipment cost of \$18,496.

SECOND – Commissioner Swearingen

VOTE – Unanimous



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3. Public Works Department

- a. Cost to install and operate decorative lighting on Atlantic Avenue between L and N Avenues
- b. Cost to install and operate lighting in corral parking area

As Director Beeker was not in attendance at the meeting to address these items, council asked that they be deferred until the October council meeting.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Policy on use of town's email distribution list for political communications

Commissioner Heglar commended the Town Clerk on doing a great job putting the policy together. He said he liked that the policy allowed for town council candidates to make statements during an election year as long as the statements aren't negative or attempt character assassination. He said he also liked that the candidates can share their reasons for seeking office but are limited to bi-weekly publishing on Monday's beginning in September until Election Day.

Mayor Lambeth said he thought it was a comprehensive policy.

MPT Bloszinsky asked if this policy was only for town council or if it could be used for other candidates in Senate District 9, because he wants to make sure there isn't a means to make it a big political commentary. He said that if someone is running for council and wants to make a statement regarding Kure Beach, that's okay.

The Town Clerk said the policy excludes county, state and federal candidates from participating; it is for Kure Beach candidates only.

Commissioner Swearingen said she thought there should be a limit on how much information a candidate can provide for the communication.

Town Clerk Avery said she didn't feel there needed to be a limit explaining that a PDF link within the news item could be set up if the information was too lengthy.

Commissioner Heglar said that if the people reading the candidates lengthy PDF get bored, they can always stop reading it.

MOTION – Commissioner Heglar moved to approve the addition of Article 10 “Public Notification Content,” to the town's policy manual, as presented, regarding use of the town's email distribution list for political communications.

SECOND – Commissioner Pagley

VOTE – Unanimous



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Said policy is herein incorporated as part of these minutes.

Commissioner Swearingen asked staff to make sure that, when they post this year's election information under town news, they need to include that early voting will only be held at the NHC Government Center this year and to include the center's address.

2. Sandman property update

Commissioner Heglar said that he and the mayor met last week with the HOAs' representatives and they are moving forward to work with the HOAs to fix their pond issues since some of those issues overlap onto town property. He said the town still has the lots on Sandman Drive that they want to extract from the issue. He said the HOAs have requested the town to engineer a solution for a drainage pipe in front of Town Hall. They need that so they can take their plans to the state to get approval. He said Director Beeker is working with the town's engineer to get them that information and, once the HOAs get approval from the state for their plan, they will look at where town issues overlap with the HOAs' issues; this may require some approvals from council.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Gurney Hood Barking Lot (GHBL) maintenance (dog park)

GHBL Committee member, Jane Fiery, said the committee was formed in 2002 and, since then, the membership has dwindled down to her and one other member. The other member is in poor health, so they would like to disband the committee and have the town assume the maintenance responsibility for the dog park.

Commissioner Swearingen said she went by the dog park today and it looks very good. She said it would be good if Public Works put up a pet waste dispenser at the dog park, like the town has down at the boardwalk.

A representative from Island Women said they are pursuing grant funding for the Carolina Beach and Kure Beach dog parks. She said they have dog owners who are interested in volunteering to make sure everything is clean and in proper working condition at the parks. She said that Home Depot and Pet Supermarket donated supplies for them to fix up both dog parks.

Mayor Lambeth said that Gurney Hood started the park with a donation of \$5,000, and he asked Ms. Fiery what they planned to do with the remaining amount since the committee was disbanding.

Ms. Fiery said that they may give some of it to the Island Women for helping, some to the person who installed the palm tree on the lot, and any money left over after that could go back to Gurney Hood.



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Commissioner Swearingen suggested that, if the grant comes through for the Island Women, they may need some of the money if the grant requires funds from the organization.

MOTION – Commissioner Swearingen moved to have Public Works take over the maintenance of the Gurney Hood Barking Lot, effective September 16, 2015.

SECOND – MPT Bloszinsky

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

Commissioner Heglar said he will pass along to Director Beeker that Public Works is now responsible for the maintenance of the dog park but, if he asks what he is supposed to do there, council needs to be ready to give him direction.

COMMISSIONER ITEMS

Commissioner Heglar stated that any commissioner, department head or staff member can direct staff to add something onto the council agenda. He said it's possible that council can vote to remove it during the meeting, or they can let it be addressed and then let it die, but it's a long-standing democratic issue that the minority gets to at least bring up their issue.

CLOSED SESSION

MOTION – At 7:32 p.m., Commissioner Heglar moved to go into closed session per G.S. 143-318.11(3), to consult with the attorney regarding a legal matter.

SECOND – MPT Bloszinsky

VOTE – Unanimous

RETURN TO OPEN SESSION

MOTION – At 7:48 p.m., Commissioner Heglar moved to return to open session.

SECOND – Commissioner Swearingen

VOTE – Unanimous

COUNCIL CONSENSUS - Commissioner Heglar stated that council directed him to work with the Public Works Director on a way to inform the public of an issue that was brought to council regarding a safety issue on the beach. He will also confer on any discussions with the state and risk manager on any other activities and will inform council of such.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

*P*ROCLAMATION P15-01

IN SUPPORT OF CONSTITUTION WEEK

WHEREAS, September 17, 2015 marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 17th through the 23rd as Constitution Week;

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council does hereby proclaim September 17 through 23, 2015 to be CONSTITUTION WEEK in the Town of Kure Beach, NC, and does ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787.

Proclaimed this 15th day of September, 2015.


Dean Lambeth, Mayor




Attest: Nancy Hewitt, Deputy Town Clerk



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CLOSED SESSION

September 15, 2015

The Kure Beach Town Council held a closed session on Tuesday, September 15, 2015, for a consultation with the town attorney, per G.S. 143-318.11(a)(3).

ATTENDANCE

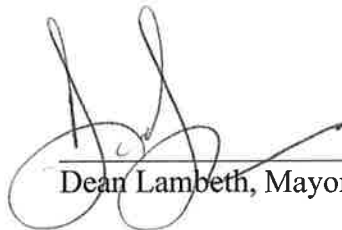
Mayor Dean Lambeth
Mayor Pro Tem Craig Bloszinsky
Commissioner Emilie Swearingen
Commissioner David Heglar
Commissioner Steve Pagley
Town Attorney Andy Canoutas
Town Clerk Nancy Avery

The closed session began at 7:35 p.m.

Council discussed liability for storm water outfall pipes on the beach. Someone stepped on the one at the "I" Avenue beach access, damaging his foot, and filed a claim with the town. The town was put on notice by the insurance carrier that, since we have maintained the pipes, we are responsible for them and signage needs to be posted.

COUNCIL CONSENSUS – Commissioner Heglar will discuss signage with Public Works Director Beeker.

The closed session ended at 7:47 p.m.



Dean Lambeth, Mayor

ATTEST: Nancy Avery, Town Clerk

NEW ARTICLE

ARTICLE 10. Public Notification Content Policy
SECTION 10.01 Use of Town Email Distribution List for Political Communications

It is the policy of the Town of Kure Beach to maintain a website, email distribution list, and outside notice boards at Town Hall, Ocean Front Park, and the Community Center.

PUBLIC NOTIFICATION TOOLS

The established public notification tools of the Town are:

- Official website www.townofkurebeach.org
- Email distribution list collected as part of the website under “Notify Me” on the home page
- Notice boards located outside of Town Hall, the Ocean Front Park and the Community Center

PURPOSE

The sole purpose of the website, email distribution list and notice boards is to provide adequate provisions for notification and education of town residents, property owners, seasonal and potential residents, and visitors to provide factual information about the town, including various services and resources available in the town, or available from other governmental agencies in the area.

In providing an official website, the Town does not intend in any manner to create a forum for public discourse, feedback, exchange of opinions, or discussion on issues of any nature, with the single exception of an occasional survey to assist the town in service delivery.

GOALS

Goals of the website, email distribution list and notice boards are:

- To encourage increased citizen participation and engagement in town government by making public information more readily available.
- To provide electronic and hard copy access to town information.
- To keep the public informed of town meetings, events, classes and recreational programs.
- To encourage both commerce and tourism.

ADMINISTRATORS

The Town Clerk and Deputy Town Clerk serve as the Administrators who are responsible for the appearance and content of the website, email distribution and notice boards in compliance with this and other Town policies. All information prepared for posting on any of the above referenced tools shall be approved by one of the Administrators.

ALLOWED CONTENT

- Municipal information such as committee, board and Council meeting schedules, official announcements, minutes, policies, plans, ordinances, emergency contact information, financial budgets and audits, etc.

- Requests for community input / involvement / assistance with activities of a particular board or committee.
- Membership drives for board and committee vacancies.
- Citizen surveys.
- Answers to frequently asked questions.
- Contact information for town officials as well as county, state and federal representatives.
- Detailed information, forms and applications related to services provided by the Town.
- Information about town sponsored events, classes and recreational opportunities and non-town sponsored events approved to be held in the town.
- Contact information for businesses physically located in the town.
- Emergency information to include location of shelters and evacuation procedures.
- NC General Assembly legislative information and updates.
- New Hanover County services and legislative information impacting residents.
- Information about tourist attractions on the island.
- Links to websites that encourage citizen participation in government; promote local businesses and attractions; provide contact information for local government agencies such as the ferry service, library, hospital, airport, health department.
- Board of Elections information regarding upcoming election, voter registration and precinct information.
- Town Council candidate statements during an election year. Statements will be published on a non-partisan basis, and may not be of a negative or character assassination nature. Statements may outline the candidate's reasons for running for Council. These statements may only be published bi-weekly on a Monday by each candidate beginning in September until Election Day.

EXCLUDED CONTENT

- Opinions, endorsements or candidates statements regarding county, state or federal candidates for office. (or should we allow candidates statements?)
- Promotion or advertisement of non-local businesses, non-profits or special interest groups.
- One sided articles advocating a candidate; a position on a local, state, or federal issue; or pending legislation.
- Corporate or for-profit organization information.
- Individual or personal home pages.
- Hyperlinks with content within the browser that exhibits one or more of the following categories:
 - Content which a reasonable person would find graphically depicts or describes violence, or nudity and/or sexual activities in a way designed to evoke prurient interest.
 - Content which facilitates or incites crime.
 - A hyperlink that directly links to other content that when perceived within a browser is in violation of any of the prohibited content stated above.
 - Discussion groups, chat rooms, bulletin boards, and other largely unedited content created by individuals who are not officials of the town.
 - Websites containing information that violates any of the town's equal opportunity policies.

- Personal phone numbers, home and email addresses of volunteers serving on the Town's committees or boards unless expressly authorized.
- Personal phone numbers, home and email addresses of Board of Adjustment members.
- Fundraising advertisements unless for a town sponsored event.
- Any submission considered by the Administrators to be inappropriate or not in compliance with this policy.

Websites that have been approved and linked, but subsequently demonstrate any of the above categories of excluded content, will be unlinked from the website without notice.

APPLICATION FOR PUBLICATION

Anyone requesting publication should submit the request by email to either of the Administrators at townclerk@tokb.org or frontdesk@tokb.org.

Applicants who are denied publication may, within 5 (five) business days, follow the Appeals procedure.

APPEALS

Complaints about any aspect of this policy should be brought first to the attention of an Administrator. If a complainant is unsatisfied, s/he may appeal any decision of the Administrator to the Town Council who will discuss the matter at the next scheduled Council meeting. The decision of the Town Council is the final word on matters arising from implementation of this policy


CONFIDENTIALITY

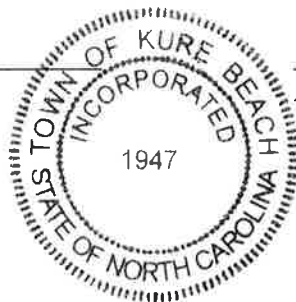
While the website may track overall site traffic, it does not collect individual user details unless a user voluntarily submits such information. This information is not shared with outside sources unless specified in the Public Records statute.


DISCLAIMER

The Town shall make every effort to insure that information posted is correct at the time of posting. Information is provided as a public service. The Town makes no claims, representations, guarantees or warranties as to quality, content, accuracy, completeness, suitability of the information, text, graphics, photos, links and other items provided.

Adopted by Kure Beach Town Council this 15th day of September, 2015.


Dean Lambeth, Mayor




ATTEST: Nancy Avery, Town Clerk



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ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn the meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous

The meeting adjourned at 7:50 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.