

# MINUTES

## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Tim Fuller, Commissioner  
Kaysie Pralle, Town Clerk

### REGULAR MEETING

MARCH 16, 2010 at 6:30 PM

AMENDED (PAGE 7) @ 6:15:10  
COUNCIL MEETING

### COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Jim Dugan
Commissioner	Barry Nelder
Commissioner	Tim Fuller

### COUNCIL MEMBERS ABSENT:

None

### STAFF PRESENT:

Police Chief	Dennis Cooper
Public Works Director	Sonny Beeker
Building Inspector	John Batson
Emergency Manager	David Heglar
Town Clerk	Kaysie Pralle

Town Attorney A. A. Canoutas was in attendance. There was a quorum of the Town Council present.

### CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm. Reverend Tony McGhee of Wilmington Christian Center delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

### RECOGNITION AND AWARDS

- Street Festival Art Contest winners – Carolina Beach Elementary Students
  - ∂ Annalise Saffo (Kindergarten)
  - ∂ Ivy Johnson (1<sup>st</sup> grade)
  - ∂ Hylee Whitley (2<sup>nd</sup> grade)
  - ∂ Carter Holton (3<sup>rd</sup> grade)
  - ∂ Erica Price (4<sup>th</sup> grade)
  - ∂ Travis Bare (5<sup>th</sup> grade)

Mayor Lambeth presented these students with a certificate of achievement, a trophy and a complimentary Street Festival t-shirt displaying their winning artwork.

### PRESENTATIONS TO COUNCIL

- Maximum Design & Advertising, Inc. President, Amy Tharrington, and Vice President, Kelly Burnette, to present a professional marketing portfolio for the Ocean Front Park in pursuit of private donations

Amy - First pricing is for creative research to design the concept. Next is for the print and production which actually makes the pieces.

Kelly - We do not retain rights to the work once the balance is paid in full. If we take pictures specifically for the Town will those rights will also go to the Town?

Mayor Lambeth - They have done work for me personally in the past so I want to excuse myself from voting.

Amy - We would have an exact cost for you once we come up with a concept.

Commissioner Nelder - The cost would be \$8,000.00.

Amy - Yes that would be correct.

Anne Brodsky - We have several outstanding photographers in the community. Why are we outsourcing? They could possibly produce the concept for a much more frugal cost.

Amy - We agree. We are not photographers. We will bid out the project and it will be the Town's choice.

Anne - Kure Beach Town Hall is a member of the chamber and we get a discount member-to-member discount.

Commissioner Fuller - The \$8,000.00 is just for the content and concept. The photography would be additional.

Amy - Yes

Commissioner Fuller - The 5,000.00, what would we be buying for that cost.

Kelly - We need to design how we are going to market, such as the examples that we provided to Council. How the brochures, packets will be designed. Will it be a fold out, etc.

Commissioner Fuller - The cost will be 60 pieces for \$3,000.00.

Kelly - That is just a not to exceed cost. We need to design a concept.

Commissioner Fuller - I am 100% behind this idea. We need to invest money to get money. If we present to the president of a company, what do we give to them?

Kelly - That is the best part of the design. You can say what you want.

Amy - You can express the personality and tell the story of Kure Beach when presenting to these companies.

Commissioner Fuller - We are trying to do something on the fly. When will we be billed at \$125.00 per hour?

Amy - That only applies if there is a change in the concept once the ball is rolling.

Candace - Are we going to have corporate sponsors?

Mayor Lambeth - If they donated enough money we would.

Commissioner Nelder - Is there a number of prospective donors we will be approaching?

Mayor Pro Tem Keener - It is much more than twenty.

Commissioner Nelder - Will each donor be individually targeted with a brochure?

Mayor Pro Tem Keener - Depending on the cost.

Amy - How much content is dependent upon how you want to present and who you want to present to.

Mayor Pro Tem Keener - If we are going to spend \$8000.00 to get \$400000.00 in donations he does not see a problem with that.

Commissioner Fuller - This is going to be a very specific marketing strategy.

**ACTION** - Commissioner Fuller **MADE THE MOTION** to recuse the mayor from voting on this issue. Mayor Pro Tem Keener seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

**ACTION** - Mayor Pro Tem Keener **MADE THE MOTION** to move forward with this. Commissioner Fuller **AMENDED THE MOTION** to authorize up to 10,000 to be divided between this proposal and \$2000.00 from the general reserve fund; subject to the attorney's review of the service agreement and that we solicit local photographers to do the photography. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Recess to set up 7:10

Resumed at 7:19

- Erin Bryan-Millush, NCDENR Recreational Water Quality Monitoring Program  
Erin presented Council with a slides handout which is incorporated by reference and made a part of these minutes.

#### **PERSONS TO ADDRESS COUNCIL**

**(3 Minutes - Please sign in with the Clerk before the meeting)**

##### David Heglar - Emergency Operations

FEMA increased the training for leadership. We did training in January and February.

1. The required training for Council is only the 100 and 200 courses, but they must be finished by May of this year.
2. The Emergency Operations Plan must be approved before hurricane season. That is in May. Council needs to approve this at their April meeting. Hurricane brochures are typically mailed out, but this is a tight budget year.

Mayor Lambeth - Could they be mailed with the newsletter?

David - That is possible. It is a one page brochure. The volunteers need to be trained with the same classes as Council. We need additional members and we need to advertise for volunteers.

##### Sandy Capece - Beach Renourishment

The dunes have been covered over on the 500, 600 and 700 buildings in Ocean Dunes during beach renourishment. Her concern is the protection in this dune.

#### **APPROVAL OF CONSENT AGENDA**

1. Building Department report - February 2010
2. Finance Department report - February 2010
3. Fire Department report - February 2010
4. Police Department report - February 2010

5. General Policy & Procedures for Committees revision
6. Meeting Minutes
  - 2/16/2010 Public Hearing
  - 2/16/2010 Regular
  - 3/3/2010 BOA/P&Z/Stormwater & Envir. Interviews

## ADOPTION OF THE AGENDA

### AMENDMENTS:

Mayor Pro Tem Keener

New Business Item #7 - Personnel issue involving Doug Martin

New Business Item #8 - Personnel issue involving Mandy Cummings

Closed session to discuss the Town Administrator

Commissioner Dugan

Old Business Item #2E - Update on Fort Fisher Water Line

Commissioner Fuller

New Business Item 9 - Budget amendment for Ocean Front Park grant

ACTION - Mayor Lambeth MADE THE MOTION to adopt the agenda as amended.  
Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## DEPARTMENT HEAD ITEMS

Building Inspector Batson - Beach Renourishment

As of last night they completed the southern end of the beach renourishment and are moving on to the north end.

Commissioner Nelder - If they finished early they might pump additional sand.

Batson - They have other obligations in Florida and will not be able to fulfill that request. He questioned the US Army Corps of Engineers about this and should be getting a response sometime soon.

Public Works Director Beeker - Sewer Rehab

There are still four sections of line that need to be rehabbed as of yet. We still have rehab on some of our manholes that need to be done.

A handout was distributed which is incorporated by reference and made a part of these minutes.

No Charge Debris Removal -

A handout was distributed which is incorporated by reference and made a part of these minutes.

The removal will take place on April 8<sup>th</sup>.

Commissioner Dugan - This is for yard debris only.

## OLD BUSINESS

1. Board/Commission/Committee Vacancy Appointments
  - A. Planning & Zoning Commission appointment (one vacancy)

- B. Board of Adjustments member appointment (one vacancy, two alternates)
- C. Stormwater & Environmental Committee member appointments (three vacancies)
- D. Andrew Barnard to the Beach Protection Committee
- E. Paula Withrow to the Parks & Recreation Advisory Board

ACTION – Mayor Lambeth MADE THE MOTION to waive the rule requiring two members be submitted to Council. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Fuller MADE THE MOTION that Council approve Anne Brodsky to P&Z, Tony Garibay to Board of Adjustments, Tom Moffitt, John Gordon and Mo Linquist to Stormwater, with the proviso that Anne resign from Board of Adjustments upon appointment to P&Z. Commissioner Nelder seconded the motion. THE MOTION PASSED FOUR TO ONE. Commissioner Dugan was opposed.

## 2. Update on current projects (Commissioner Dugan)

### A. Disc Golf Course

Bob Fitzsimons, P&R Chair – No update as of yet. We are waiting on Sunny Point to give us any feedback.

Mayor Lambeth – Sonny contacted them and they are working it through their committees for approval.

### B. Atlantic Avenue Landscaping

Candace Clark – The landscaping is going in. The lines for sprinkler are being laid. Tillers have been brought in to work manure into the rocks. Plants have been planted between L and M Avenue.

### C. Hall of Fame

Commissioner Dugan – Emilie and I are meeting with someone this Friday that may be able to help us.

### D. Tennis Courts

Mayor Lambeth – We are getting pricing on tennis court resurfacing.

### E. Fort Fisher Water Line

Commissioner Dugan – Seymour Johnson AFB has been looking to connect with Kure Beach water supply for many years. They would now like to hook up to our lines. There have been several meetings and this may result in the Town having a new water customer.

### F. Ocean Front Park

Commissioner Dugan – We have requested contracts from Withers & Ravenel and Engineering Services. The contract from Withers & Ravenel was returned for pricing and other issues. Engineering Services wrote the Stormwater grant. They will oversee installation if we approve the contract as well as part development.

Council has had copies for several weeks. The language concerning arbitration has been changed from Raleigh to Wilmington.

a. Engineering Services Contracts for Ocean Front Park

i. Stormwater retention

The money they have requested is in line with the money for the grant. \$25,000 for construction and a total of \$204,000 for grant for Stormwater project.

Commissioner Nelder - Do we have the footprint of the building?

Commissioner Dugan - They are working on that, engineering services

Commissioner Fuller - We have already met the matching funds part of the grant.

**ACTION** - Commissioner Dugan **MADE THE MOTION** that Council approve the engineering services grant for the Stormwater project. Mayor Pro Tem Keener seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ii. Park oversight

Commissioner Dugan - There was some overlap in duties that the engineering firms would perform. It would be up to us to make sure the second engineering firm hired would not be duplicating duties.

Commissioner Fuller - Does Engineering Services have any questions about taking over this contract?

Commissioner Dugan - Based on our conversations, no.

Commissioner Fuller - It looked like they were trying to do the same work. Is there any reason to approve this now? What if Withers & Ravenel come back with a lower price?

Commissioner Fuller - Can we put this off?

This item was tabled until the April meeting.

3. Ocean Front Park Grants Update (Mayor Pro Tem Keener)

Mayor Pro Tem Keener - The first grant is from Clean Water Management Trust Fund and is for \$204,000. It needs to be done by October 27<sup>th</sup>. It may take six months to get permits. That would be alright because if the state is holding us up, they will provide us with an extension.

4. Ocean Front Park project schedule and budget (Commissioner Fuller)

Commissioner Fuller - The Finance Officer and I have been in communication about coming up with a project schedule and budget. If we can request Engineering Services give us a timeline that would assist in developing a schedule.

5. Mayor/Council form of government (Commissioner Fuller)

Commissioner Fuller - This is something that we have been wrestling with since December. In this particular case we have a more immediate need. We had a work session to talk about this. What we are trying to do is adjust the assignments in Town Hall to account for the fact we no longer have a Town Administrator. I think we have all been working on various versions of what we think we would like to see. What I did

was I went back to the job descriptions for Town Clerk and for the Finance Officer that existed prior to ~~the AMENDED 8/15/10~~ the Town Administrator. You should have in your packet two different sets of job descriptions. My motion would be that we revert to the job description for the Town Clerk and the Finance Officer that existed and are dated on the handout Aug 15, 2006, which was the way Town Hall was run before we had an Administrator.

Commissioner Dugan - Having worked with both Mayor Pro Tem Keener and the Clerk on hers, I don't know whether you matched it but 90 percent of it is language that was on the other one. And the other language was added was basically additional duties that she takes that weren't in the other. I don't see really any large difference between either one whichever one is accepted. I don't see it. In every one we assigned all other duties given by Council. It covers the additional duties. The reason that we put in the additional duties was just to make sure that people were aware of who did that specific job.

Commissioner Fuller - The gist of it is in the first paragraph in the old one that was dated August 15, 2006 to me the significant difference is that we are telling that the Town Clerk oversees the daily operations of town hall, supervises the reception, coordinates the personnel programs performs the statutory Town Clerk role. There was a much more of a management and daily oversight role in this description which is something that I think we haven't had and there's been a lot of. Kaysie has talked to us about a lot of what Doug does relates to what she does, but Doug doesn't answer to her. If you go back to Aug. 2006 she would oversee that position she would also have a more general responsibility day to day. I think there is a significant difference between the two and I think the thing the reason that I went back to these is because that system works. I worked more or less the same under Frankie and Nancy Avery and then under Susan Suggs. There is one thing that may not be the same that may not be address specifically in here but previous to hiring the Administrator the Clerk also served as the town treasurer which is contained in our ordinances. I don't know where Kaysie is as being designated in the treasurer. There is a gap there. So that's why I say that my motion would be that we go back to these and we can tweak them.

Dugan - What I would suggest is let's see how it fits and if there are problems that crop up we can address them at a later meeting.

Nelder - I make a motion that we accept these

Commissioner Fuller - The other part of this and I include this in to go along with the stuff that I sent is that In our current policy we designate the department heads as the Town Clerk, the Police Chief, Public Works Director, Utilities Director and Code Administrator. It seems to me that if we go back and adopt this it would be a promotion to the people that currently hold these positions. Because the salary range and the description of duties and the requirements are significantly higher from what the current description is.

Commissioner Dugan - Just to refresh your memory because you weren't on when she was hired, we as a Council decided on the Clerk and the background at entry level. It was intentional that we had someone at entry level because of the Administrator coming on board. We didn't feel the qualifications needed to be as high as normal. So I agree that a promotion would be in order.

Commissioner Fuller - So with that in mind that's why I included this portion from the personnel policy manual that says except in rare situations where previous town

experience is essential or exceptional qualifications of an internal candidate so indicate the town will consider other applicants rather than automatically promote from within. So my motion would be that we revert to the August 2006 job descriptions and that we advertise for applicants for these positions, including the current holders of these positions also apply and that the Town Council review the applicants in accordance with our policy.

Commissioner Dugan - We are asking to hire a brand new Clerk and a brand new head of finance?

Commissioner Fuller - Yes sir. We are essentially creating a position. We are going back to a position that does not exist now. We want to get the best people to fill those positions.

Mayor Lambeth - Do I have a second? Barry did you second?

Commissioner Nelder - No. I wanted the original change. Back to the August 15<sup>th</sup> but I acquiesce to Tim.

Mayor Lambeth - I will second the motion.

**ACTION** - Commissioner Fuller **MADE THE MOTION** that Council revert to the August 2006 job descriptions and that we advertise for applicants for these positions, including the current holders of these positions also apply and that the town council review the applicants in accordance with our policy. Mayor Lambeth seconded the motion. **THE VOTE PASSED FOUR TO ONE.** Commissioner Dugan was opposed.

#### 6. Discussion of the Customer Service Policy (Commissioner Dugan)

**ACTION** - Commissioner Fuller **MADE THE MOTION** to direct the attorney to revise this and have this back to Council by the end of this month. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

#### 7. Discussion of the Town Hall Dress Code (Mayor Pro Tem Keener)

Mayor Pro Tem Keener - Council has four examples of dress code policies. The Carolina Beach dress code addresses only what you cannot wear.

**ACTION** - Mayor Pro Tem KEENER **MADE THE MOTION** to accept Exhibit C with the exception of no shorts. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

#### 8. Community Spirit Proclamation (Commissioner Fuller)

**ACTION** - Commissioner Fuller **MADE THE MOTION** to adopt the resolution. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Recess taken at 9:23 pm

Resume meeting at 9:33 pm

#### **NEW BUSINESS**



1. Parks & Recreation Committee request for funding appropriation (Fitzsimons)  
Bob Fitzsimons, Chair - There are \$505.00 worth of expenses that go above and beyond what our program offered. One of the items is the opening and closing of the Community Center.

ACTION - Commissioner Fuller MADE THE MOTION to approve from the General Fund Reserve \$505.00 for the items from the Parks and Recreation Advisory Board. Mayor Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Economic Development Studies update from the Planning & Zoning Commission, Shoreline Access & Parking, Beautification and KB Marketing Advisory Committees

Tony Gonsalves, SLAP Chair

He noted that the Sawyer Architects and NC State studies have not been utilized at all. He went through the list of projects listed from the SLAP committee. He would like to get these items done before tourist season.

Commissioner Nelder - He would like to establish paid parking omitting residents by way of the parking decals.

Tony - He is requesting Council give them direction as how to proceed.

Candace Clark - Beautification

She discussed the need for uniform signs throughout the Town and landscaping maintenance. She suggested hiring an outside firm, utilizing a garden club or requesting a member of the public works department dedicate a set number of hours to maintenance of foliage.

B1 district - Bury the power lines

Repaving the streets and/or sidewalks

Replace the existing orange sticks on K Avenue

ACTION - Commissioner Fuller MADE THE MOTION to schedule a Worksession for Monday, March 29th at 5:30 pm. Council members go through this information and come up with their own list so that we can come out of that meeting with a list of priorities that we can vote on. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Discussion and consideration of Atlantic Avenue Stop Signs (Lambeth)

Mayor Lambeth - He observed what the residents were concerned about.

Commissioner Fuller - The members of Council were not consulted on this issue.

This is an issue Council needs to address among us. He suggests that Council leave the signs up temporarily and come up with a permanent solution. This puts the four of us in an awkward position.

Commissioner Fuller - Everyone get back to us by the April meeting.

Commissioner Nelder - The question is not about the signs, but about the proper way of going about this.

Commissioner Fuller - To go out there and do something without consulting with Council, you still should have called the four of us.

ACTION - Commissioner Fuller MADE THE MOTION as a temporary measure the signs will stay up and committees that were working on it get back to us with a solution. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4. Discussion and consideration of power line burial between Fort Fisher Blvd. and Atlantic Avenue ( Mayor Lambeth)

Mayor Lambeth - This is the first step in burying these power lines. He requests Commissioner Dugan and Public Works Director Beeker research this and come back to Council with a recommendation.

5. Discussion of recycling cans & signage (Commissioner Lambeth & Commissioner Nelder)

Mayor Lambeth - Eleven recycling cans have been donated and will be emptied for \$25.00 total cost for a Town sponsored event.

Mo Linquist - They will pick up the contents if they are in clear plastic bags.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to approve a \$200.00 budget for this project. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Citizens Finance & Budget Advisory Committee (Commissioner Fuller)
  - A. Meeting date change to the second Tuesday of the month at 6:30 pm
  - B. Mission statement

ACTION - Commissioner Fuller MADE THE MOTION to change the committee's meeting day to the second Tuesday of the month at 6:30 pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Fuller MADE THE MOTION that we postponed the approval of the mission statement until we have it. Mayor Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

7. Personnel - Doug Martin

ACTION - Mayor Pro Tem Keener MADE THE MOTION to extend Doug Martin's probation period for 30 days. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to pay Doug Martin for one day's pay in November 2009. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

8. Personnel - Mandy Cummings

ACTION - Mayor Pro Tem Keener MADE THE MOTION to give Mandy Cummings six days vacation and three days holiday pay. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9. Budget Amendment for OFP Grant

Mayor Pro Tem Keener - Needs to amend the budget to account for the grant revenues.

ACTION - Commissioner Fuller MADE THE MOTION to direct the Finance Officer to prepare a budget amendment accounting for these funds as outlined and that she submit that so that we apply those funds for the land acquisition of the park. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

EXECUTIVE SESSION


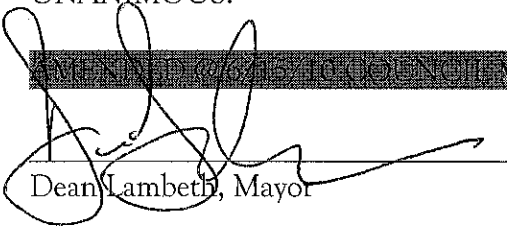
ACTION - Commissioner Fuller MADE THE MOTION to go into Closed Session to discuss a personnel matter. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Council discussed a personnel matter and at this time no action was taken pending further review.

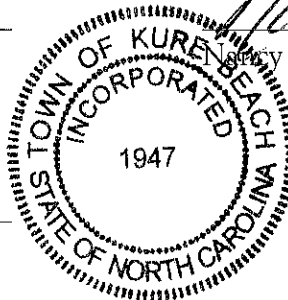
ACTION - Commissioner Fuller MADE THE MOTION to have the Clerk advertise as soon as possible using the August 15, 2006 job descriptions. Applications are to be in to Town Hall 30 days from today. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADJOURNMENT

ACTION - Mayor Nelder MADE THE MOTION to adjourn the meeting at 11:41 pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

  
  
Dean Lambeth, Mayor

ATTEST:



  
Nancy Hewitt, Interim Town Clerk

No longer employed  
Kaysie Pralle, 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.