



KURE BEACH TOWN COUNCIL
REGULAR MEETING
Tuesday, January 15, 2008 * 7:30
MINUTES

The regular meeting of the Kure Beach Town Council was held on Tuesday, January 15, 2008. Mayor Montgomery called the meeting to order at 7:30 pm. Reverend Blair Both gave the invocation and Mayor Montgomery led everyone in the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT:

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vatr

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James	Police Dept	Andy Everhart
Building Inspector	John Batson	Public Works	Sonny Beeker
Finance Officer	Susan Suggs	Town Clerk	Nancy Avery
Fire Chief	Harold Heglar		

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

PERSONS TO ADDRESS COUNCIL:

1. Gail McCloskey, Executive Director of the Pleasure Island Chamber of Commerce, stated that the Chamber:
 - requests funding in the amount of \$7,450 from Kure Beach's Room Occupancy Tax to assist with costs of the free summer concert series and the Seafood Blues and Jazz Festival- \$4,500 for the free concert series in June, July and August and \$2,950 for the Seafood Blues and Jazz Festival
 - would consider placing a banner at one of the events, such as the Kids Fantasy Zone at the Seafood Blues and Jazz Festival, saying the event was sponsored by the Town of Kure Beach
 - recognizes and thanks Public Works Director Sonny Beeker and his department for their assistance during the Seafood Blues and Jazz Festival last year
 - requests Mayor Montgomery be a judge at the upcoming Chowder Festival

ACTION – Commissioner Lambeth MADE THE MOTION to approve \$8,000 of the TDA Room Occupancy Tax for the next fiscal year for funding for the PI Chamber of Commerce. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Mayor Montgomery stated he would be a judge at the Chowder Festival.



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2. Emilie Swearingen, Special Olympics Polar Plunge, requested Mayor Montgomery and Town Administrator James represent the Town in the Special Olympics Polar Plunge on February 16, 2008 at 3pm.

Mayor Montgomery responded that the Special Olympics event is worthwhile and the Town Council will do everything they can to support the event.

3. Frances Regan, resident, stated:

- she is troubled by the 2006 revaluation
- this tax burden has jolted senior residents on a fixed income
- her dream home is threatened and she is concerned that she won't be able to stay here because her tax bill almost tripled
- revaluation was done at a time when dirt in Kure Beach was at the highest price it could have been because of development occurring at that time
- she has made no progress in speaking with the folks at the county about revaluation
- she is asking Council to step forward and ask for a realistic valuation for the entire Town.

Mayor Montgomery responded:

- that he personally will speak with Chairman Greer of the County Commissioners and Bob Glasgow, County Tax Administrator, about what would need to be done
- there is legislation being introduced in the NC Senate and House to provide tax relief in the form of increasing the homestead exemption income limit from \$21,000 to \$45,000 for senior/ retired/ disabled citizens.

RECOGNITION AND AWARDS:

None

APPROVAL OF CONSENT AGENDA:

1. Council Minutes: 12/18/07 meeting
2. Police Report: December 2007
3. Fire Chief Report: December 2007
5. Building Inspector Report: December 2007
6. Finance Report: December 2007
7. Clerk's report of surplus equipment: July through December 31, 2007
8. Approve resolution R08-01 approving financing terms w/ BB&T for purchase of two new Ford Taurus sedans as police vehicles. 3.53% interest for four years, total \$51,919. This is a budgeted item
9. Accept resignation of Helen Wilson from Marketing Committee
10. Approve resolution R08-02 verification from municipality concerning Volunteer Fire Department



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ACTION - Commissioner Lambeth MADE THE MOTION to adopt the consent agenda with the addition of item # 11 as follows:

Approve resolution R08-04 accepting terms of CAMA grant for Atlantic Avenue Boardwalk. Grant amount of \$222,356. Town cash match of \$73,019. In kind match of \$1,100.

Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA:

ACTION - Commissioner Nelder MADE THE MOTION to adopt the agenda with the following additions:

Item # 3 under old business - discussion of status of park
Item # 4 under old business - adoption of ordinance for condemnation of 119 Dow Avenue

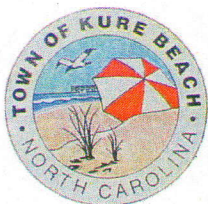
Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEAD ITEMS TO PRESENT TO COUNCIL:

1. Building Inspection Department: no items
2. Finance Department: no items
3. Fire Department: no items
4. Police: Officer Andy Everhart reported:
 - Chief Cooper received notice that the department was awarded a \$40,000 grant from the Justice Department for computer equipment and software
 - there are more occurrences of break -ins recently with larger building tools being taken and asked residents to lock their doors
5. Public Works Department: no items

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL:

1. EOC: no report
2. ADA: Chair Alphin reported January was a successful meeting and minutes are posted on the Town's Web Site.
3. Beautification: no report



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4. Citizen Beach Committee: Member Dick Graham stated:

- The committee was approached by the Ocean Dunes Homeowner's Association (HOA) with the suggestion of using discarded Christmas trees on the beach in low lying dunes to attempt to build up the dunes
- Coastal Area Management Authority (CAMA) allows an exclusion for this as sand fencing.
- the Ocean Dunes HOA has an interest in trying this in an area where there is no vegetation. The HOA will monitor and watch as a pilot project
- CAMA anticipates by summer that the trees should be covered with sand, however a storm could cause damage before sand covers the trees
- there would be no unsightly appearance because the trees would only be where residents are that want to try the project
- Carolina Beach has successfully done this
- committee members will also monitor the project
- it needs to be decided if the committee or Town staff will deliver the trees to the beach area
- the committee has spoken to the Town Code Enforcement Officer about permits and received approval from CAMA
- Public Works Director Beeker said he supported the idea

ACTION - Commissioner Nelder MADE THE MOTION to allow Commissioners Vatrtr and Lambeth to oversee the installation of Christmas trees on the beach as they deem appropriate. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

5. Community Center: no report

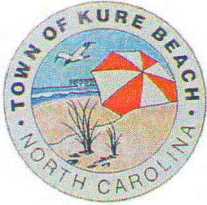
6. Marketing: Member Anne Brodsky stated:

- she is the new chair of the Marketing Advisory Committee
- the committee is working with the Carolina Beach Marketing Committee to compile a list of zip codes from those renting in the area this past year to know where to target the advertising
- the committee needs another member

7. Shoreline Access and Parking: no report

8. Parks & Recreation Advisory: Commissioner Lambeth stated the committee:

- is requesting a \$1000 funding advance to hire an instructor/intern to develop recreation criteria as per the recent survey
- is working to get a UNCW internship



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- suggests using the remaining amount in the county Park Bond Referendum funds (approximately \$120,000) for demolition of the Rolling Surf motel as a loan to be repaid for future use by the committee

Commissioner Lambeth also stated he spoke with the county today to waive tipping fees at the landfill on demolition debris from the ocean front park.

ACTION - Commissioner Lambeth MADE THE MOTION to add a new item # 5 on the agenda under new business. Item is to appropriate \$1000 maximum amount for labor costs. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9. Stormwater

Chairman Eric Vann stated the committee:

- recommends that the Town not do anything at the present time about the request from the Beachwalk HOA for a financial contribution from the Town for maintenance of the retention pond on Beachwalk property, because this is private property owned by the HOA. The Town may want to consider taking over retention ponds in the future and that would require deeded access from property owners
- needs a replacement for Commissioner Nelder

ACTION - Commissioner Lambeth MADE THE MOTION to reject the Beachwalk HOA's request for funding with a letter to be sent by the mayor. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION - Consensus of council – Commissioner Nelder may continue as a non voting member of the committee until a replacement is found.

ACTION – Mayor Montgomery called for a 10 minute recess at 8:45pm

ACTION – Mayor Montgomery resumed the meeting at 8:56pm

OLD BUSINESS:

1) Consideration of grant application for the NC Parks and Recreation Trust Fund in the amount of \$500,000 for purchase of property located at 105 Atlantic Avenue (Rolling Surf motel)

Commissioner Lambeth explained that the Town has the opportunity to apply for a grant from the NC Parks and Recreation Trust Fund in the amount of \$500,000 for the acquisition of the property located at 105 Atlantic Avenue, the site of the Rolling Surf



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motel and future site of the Kure Beach oceanfront park. The grant doesn't require any matching funds and will be prepared by a consultant.

Gabby Krause, resident, stated that he doesn't understand why grant applications for the oceanfront park are on the agenda for the Council to act on when the Town's own Parks and Recreation Committee hasn't seen the paperwork.

Mayor Montgomery stated that this grant is for acquisition of the property only, not for utilization of the property and there will be future grants submitted for use of the park and the committee will be involved in those.

Mayor Montgomery stated that Council will double its effort to communicate better about what is going on with the purchase of the Rolling Surf property (105 Atlantic Avenue) and asked Town Administrator James to place on the Town's Web Site the list of grant applications submitted to offset acquisition costs.

ACTION – Commissioner Lambeth MADE THE MOTION to approve applying to the NC Parks and Recreation Trust Fund in the amount of \$500,000 for the purchase of the Rolling Surf property (105 Atlantic Avenue). Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

2) Consideration of Resolution R08-03 authorizing a grant application to the NC Clean Water Management Trust Fund for the purchase of property located at 105 Atlantic Avenue (Rolling Surf motel)

Mayor Montgomery stated that the Town was in the process of applying for a grant for acquisition of the property located at 105 Atlantic Avenue, the site of the Rolling Surf motel and future site of the oceanfront park, in the amount of \$1,000,000 with \$600,000 to be used towards acquisition and \$400,000 for demolition. The grant is through the NC Clean Water Management Trust Fund.

ACTION – Commissioner Lambeth MADE THE MOTION to approve Resolution R08-03 authorizing the grant application to the NC Clean Water Management Trust Fund.

Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

3) Status of oceanfront park property

Mayor Montgomery stated there are three phases to the development of the Rolling Surf motel property (105 Atlantic Avenue) into an oceanfront park:



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Phase I – Acquisition

Mayor Montgomery said phase I consists of acquisition of the property and grant applications to offset the purchase of property. He also stated that the Town Council has applied for grants that may be used to pay off the acquisition of the purchase of the land, which was \$3,600,000, with the following grant applications submitted or in the process of being submitted:

- \$500,000 Coastal Area Management Authority – submitted December 2007
- \$300,000 Division of Water Resources –submitted in December 2007
- \$500,000 NC State Parks & Recreation Trust Fund – Council approved earlier in this meeting
- \$1,000,000 Clean Water Management Trust Fund with \$600,000 towards acquisition and \$400,000 towards demolition of the motel – Council approved earlier in this meeting

Mayor Montgomery stated:

- the Town was awarded a \$500,000 grant from New Hanover County for acquisition in November 2007
- he met with a representative of the NC National Heritage Trust Fund recently and the Town Council will also be applying for a \$1,500,000 grant partnering with CAMA which requires a conservation easement on the property assuring the Town will always use it as a park
- a total of \$4,300,000 in grants have been or will be submitted for acquisition and this is being done as part of Council's promise to taxpayers to not burden them with the cost of the purchase.

Phase II – development

Mayor Montgomery explained that Phase II will be demolition of the motel on the property along with initial planning and he would like to have a committee formed consisting of one member from each standing committee. This committee will begin talks on development of a plan.

Phase III –Utilization

Mayor Montgomery stated that Phase III would be the determination of the use of the park and emphasized that no plans for development have been determined at this time.

ACTION: Commissioner Nelder MADE THE MOTION to approve a park oversight committee comprised of one representative from each standing committee. Commissioner Vatrt seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**



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ACTION – Consensus of Council – each committee is to submit the name of their recommended representative after their next meeting.

4. Consideration of ordinance for condemnation of the dwelling located at 119 Dow Avenue - public hearing held January 15, 2008

ACTION – Commissioner Lambeth MADE THE MOTION to adopt the ordinance to condemn the dwelling located at 119 Dow Avenue. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NEW BUSINESS:

1) Consideration of adoption of the New Hanover County Tsunami Emergency Plan and incorporation into the Town's Emergency Operations Management Plan

Mayor Pro Tem Dugan explained that:

- the National Weather Service has educated the Department Heads and Council members on the risk of a tsunami on the east coast
- at worst the highest wave would most likely be a four and a half foot wave
- because elevation in Kure Beach is high, it would warrant an evacuation east of state road 421 only
- New Hanover County has developed a tsunami emergency plan and he recommends Council adopt the plan as an addition to the Town's existing Emergency Management Operations Plan

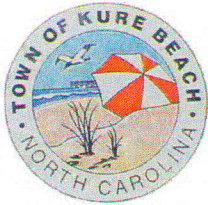
ACTION - Mayor Pro Tem Dugan MADE THE MOTION to adopt the New Hanover County's Tsunami Emergency Plan and add it to the Town's Emergency Management Operations Plan. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2) Consideration of nomination of applicant to serve on the Wilmington Metropolitan Planning Organization's Transportation Advisory Committee

Mayor Montgomery stated:

- the Wilmington Metropolitan Planning Organization is a division of the Department of Transportation and is looking for volunteers to serve
- the advisory committee is a citizen based committee
- January 31st is the deadline to apply

ACTION – Mayor Pro Tem Dugan MADE MOTION to appoint either Paul Martinez or Mike Kirkbride, whichever is interested in serving. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



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ACTION – Consensus of Council – Town Administrator James is to contact Paul Martinez or Mike Kirkbride to see if either is interested in serving on the committee.

3) Consideration of recycling rate fee increase of \$.09 per residence by Waste Management

Town Administrator James explained that Waste Management increased their fees to the Town for recycling services by approximately nine (9) cents. Administrator James explained that after consultation with Public Works Director Beeker, the staff recommendation is that the Town absorb this increase and not pass it on to citizens and to explore receiving additional services from Waste Management in the next budget cycle.

ACTION – Consensus of Council – Town Administrator to:

- speak with Waste Management about it's contractual agreement to provide educational material for residents
- put notice on the Town's Web Site that the Town has decided to not pass the increase on to citizens at this time

4) Consideration of demolition of the Rolling Surf Motel (105 Atlantic Avenue) at a cost not to exceed \$120,000, the balance remaining in the county Park Bond Referendum funding, and authorization of a bid process to hire a demolition contractor.

Commissioner Lambeth stated:

- Public Works is waiting for engineers to provide data on hazardous materials in the building before publicly advertising and seeking bid packages
- point of contact on staff for the demolition is Public Works Director Beeker

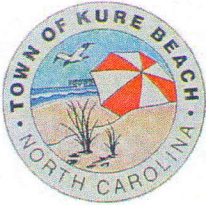
ACTION – Commissioner Lambeth **MADE THE MOTION** to advertise for bids not to exceed \$120,000 for demolition of the Rolling Surf motel as per the specifications provided by the engineer after the environmental report is finished. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

5) Consideration of funding request from Parks & Recreation committee for \$1,000.00

ACTION - Commissioner Lambeth **MADE THE MOTION** to allocate funding in the amount of \$1,000.00 as requested by the Parks & Recreation committee to hire a teacher/intern and approve reimbursement from the park bond referendum funds. Commissioner Vatrtr seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

PERSONS TO ADDRESS COUNCIL:

None



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COMMISSIONERS' ITEMS:

Commissioner Lambeth said he would like for Town Administrator James and Public Works Director Beeker to meet with Waste Management to work on a contingency plan for the state mandated recycling for businesses selling alcohol.

Commissioner Vatrt stated he is starting talks with the auditing firm this week and will begin the next fiscal year budget process soon.

Mayor Pro Tem Dugan welcomed new Town Administrator Michelle James and Commissioners Nelder and Vatrt and congratulated the Mayor on the timeframe of the meeting.

ATTORNEY ITEMS:

None

MAYOR'S ITEMS:

Mayor Montgomery stated he would like the Town Attorney, the Building Inspector and Commissioner, and the Town Administrator to determine a definitive answer on what zoning and density is allowed on the vacant property for sale on the west side of state road 421 by the Riggings development and bring a report to the February meeting.

PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION:

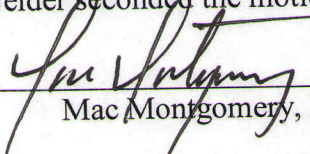
None

CLOSED SESSION:

None


ADJOURNMENT:

Mayor Pro Tem Dugan MADE THE MOTION to adjourn at 9:56pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Mac Montgomery, Mayor

ATTEST:



Nancy Avery, Town Clerk

