



KURE BEACH TOWN COUNCIL  
REGULAR MEETING  
MAY 20, 2008  
6:30 pm

**MINUTES**

The Kure Beach Town Council held their regular meeting on Tuesday, May 20, 2008. Mayor Montgomery called the meeting to order at 6:37 pm and delivered the invocation. Commissioner Nelder led 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
Building Inspector	John Batson
Police	Mike Bowden
Public Works	Sonny Beeker
Town Clerk	Nancy Avery

**PERSONS TO ADDRESS COUNCIL**

1. Coastal Hazards Specialist, Jeff Warren of the Raleigh office of the Coastal Area Management Authority (CAMA), reviewed the proposed changes to the oceanfront development setbacks as follows:

- Setbacks to be based on total square footage (heated) regardless of whether the structure is single-family, multi-family, or commercial (based on size not use)
- Setbacks to omit structurally attached covered porches if not heated space. This will allow a larger living space closer to the ocean since a porch is not included in the calculation.
- The minimum setback factor remains 30 times the erosion rate for all structures less than 5,000 feet but, as it does with existing policy, jumps to 60 times the erosion rate for structures greater than 5,000 feet. The setback increases from 60 to 90 in increments of 5 as total square footage increases, and the maximum setback becomes 90 for structures greater than or equal to 100,000 feet.
- The setback factors for larger structures (i.e., >5,000 feet) are not reduced for areas with higher shoreline erosion rates (current rules require commercial and multi-family structures 5,000 feet to be setback 60 times the erosion rate until the rate reaches 3.5 feet per year, at which point the setback becomes 30 times the erosion rate plus 105 feet).

- Development such as roads, parking lots, and other public (linear) infrastructure (utilities) continue to have the same setback factors as under current policy (i.e., setback factor of 30 if total area <5,000 feet and setback factor of 60 if total area 5,000 feet or greater). The Town may apply to the Commission for a static line exception. If approved, the setback line doesn't move and stays in perpetuity. The exception requires identifying a project and funding stream.
- For hazardous areas of the coast the factor of 30 or 60 times erosion rate will be strictly enforced.
- No cantilevering into ocean setback will be allowed.
- There will still be limited exceptions such as gazebos.
- A public comment period is tentatively scheduled for July 8<sup>th</sup> in Carolina Beach with an overview at 5pm and a public hearing at 6pm.
- The final Commission meeting and public hearing will be in Raleigh on July 24<sup>th</sup>
- More information is located on their website at [www.ncccoastalmanagement.net](http://www.ncccoastalmanagement.net) 'setbacks' on the left hand side.

2. Federal Communication Commission representative, Lauren Kravetz, stated that:

- The Wilmington television viewing area has been selected as a test market for the nation for the conversion from analog to digital television.
- Battery operated, smaller televisions most likely won't be usable after the conversion.
- Conversion is September 8, 2008
- Congress is making \$40 coupons available, two per household, to purchase converter boxes. Boxes are available in stores or may be ordered from the US Department of Commerce at 1-888-388-2009 or at [www.dtv2009.gov](http://www.dtv2009.gov)

## **PRESENTATIONS TO COUNCIL**

1. Paula Withrow, Festival committee chair, thanked all the commissioners and staff for a wonderful job and support at the festival held last month.

2. Bob Fitzsimons, Parks and Recreation Committee chair stated:

- Registration for the summer program will be June 7, 2008 from 3-7pm.
- Classes in fishing, pottery, CPR, surfing and photography will be available
- There will be a children's fishing tournament on June 7<sup>th</sup> in Kure Beach for ages 5 to 15.

3. Gilbert Alphin, ADA Committee, stated:

- There will be no meetings held in June, July, or August.
- Next meeting will be September 2nd, 2008.

4. Anne Brodsky, Marketing Committee stated the committee:

- Is seeking another member.
- Is the first of the New Hanover County beach towns to conduct a survey by zip code to determine statistics on visitors. Most visitors are from NC, Virginia, Ohio,

West Virginia and Maryland (states) and Raleigh, Fayetteville, Greensboro, Durham, Lexington, Charlotte and Winston Salem (cities).

- Will continue conducting surveys and should have additional information in September to help determine focus for advertising.

5. Marilyn Youngbluth, Human Relations Commission, stated:

- There will be an Equal Employment Opportunity summit in June.
- The Commission sent out two letters, one to Representative Mike McIntye and one to William Ross, Secretary of the North Carolina Department of Environment and Natural Resources supporting the Ocean Front Park.

6. Debbie Price, resident of 773 Settlers Lane, stated on behalf of the Katie B. Hines Senior Center that there would be a pancake breakfast on Saturday, May 24 from 7:30am to 11am.

7. Eric Vann, Storm water Committee chair, stated:

- Grants are available through the NC Community Conservation program for individual homeowners, businesses and municipalities that will provide 75% of the cost to improve water quality. The grants may be used for things such as permeable surfaces and rain water barrels.
- The committee is requesting approval to apply for a grant to place 12 pet waste receptacles at beach accesses at a cost of \$44 each.
- The committee is requesting approval to apply for a grant to put pervious pavement in front of the Ocean Front Park on Atlantic Avenue.

ACTION – Commissioner Lambeth MADE THE MOTION to apply for grants for two projects:

1. Pervious street replacement on Atlantic Avenue in front of the Ocean Front Park
2. 12 pet receptacles at beach accesses. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

8. Memo from Candace Clark regarding Atlantic Avenue boardwalk  
Ms. Clark was not available to address Council in person. Her memo is herein entered into record as part of these minutes.

9. Ken Withrow, Beautification Committee chair stated his committee:

- Submitted several plans for the Atlantic Avenue boardwalk, but have not seen the plans and haven't had a chance to review them to make sure their recommendations are incorporated. Main concerns are distance between the street and the boardwalk and parking.
- Wants to be allowed to review the plans and bring their report to the June Town Council meeting before they are reviewed tonight

10. Donald Lindsay, resident of 311 Atlantic Avenue, stated:

- He started building a home on Atlantic Avenue three to four years ago.
- The Beautification Committee was appointed to beautify Atlantic Avenue.

- He understood that the plan was approved, but what happened to it? Citizens need and deserve an answer to why that plan wasn't implemented. Is this the same project lingering on?
- Atlantic Avenue is only three blocks long – one commercial block and two residential blocks.
- Council needs to keep it simple along a residential street.
- Residents of Atlantic Avenue ask that they be treated as residents of any other street. They are not asking for elaborate elevated structures or lighted walkways.
- There is a communication problem between this board and the public.
- A raised walkway will look like a Chicago train yard.
- Council should give people on Atlantic Avenue an opportunity to review the plan and make comments before approving.

11. Judy Yount, resident of 305 Atlantic Avenue, stated:

- Her family has been part of community for 60+ years and has seen a lot of changes.
- She thanks the Beautification Committee for their hard work and diligence.
- Atlantic Avenue has always been for residential use.
- The latest improvement was speed bumps that were put in inefficiently and have put everyone in jeopardy.
- The original plan for a boardwalk was for the south side of the pier where the Town owns property. A boardwalk there would beautify that area, it is a commercial area – provides visitors with unused parking lot
- Please think before doing something as rash and ill-conceived as the boardwalk put in on Atlantic Avenue with the never used benches.

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

1. Building Department report: April 2008
2. Fire Department report: April 2008
3. Police Department report: April 2008
4. Accept resignation of Denise Hubbard from the Marketing committee
5. Accept resignation of Sandra Hall from Beautification committee
6. Automated Fingerprint Index System (AFIS) and budget amendment for FY07-08 for \$5,000 transferring from line item 10-510-16-09 (K-9 maintenance) to 10-510-74-00 (Capital Equipment)
7. Minutes:
  - 4/15/08 Ocean Front Park
  - 4/15/08 regular
  - 4/15/08 closed
  - 4/17/08 retreat on procedures
  - 4/24/08 budget
  - 4/24/08 closed
  - 5/15/08 special on benefits

**ACTION** - Commissioner Dugan MADE THE MOTION to add a budget amendment for the Police Department for the purchase of Automated Fingerprint Index System to the

consent agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION – Commissioner Dugan MADE THE MOTION to approve the consent agenda. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

#### **ADOPTION OF THE AGENDA**

ACTION – Commissioner Vatrt MADE THE MOTION to add a closed session to the agenda for the purpose of discussing personnel issues. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Lambeth MADE THE MOTION to add item number 6 under new business ‘request for volunteers for the Emergency Operations Center’. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Dugan MADE THE MOTION to adopt the agenda as amended. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

#### **RECESS**

Mayor Montgomery called for a recess at 8:20 pm.  
Mayor Montgomery resumed the meeting at 8:37pm

#### **OLD BUSINESS**

1. Ocean Front Park update and theme

Mayor Montgomery announced that the Town:

- Received a grant from the Parks and Recreation Trust Fund Authority in the amount of \$500,000 with no conditions for the purchase of the Ocean Front Park property.
- Has received \$2.3 million in grants so far.

Commissioner Dugan stated that the Ocean Front Park Committee is seeking Council approval on a theme for the park of a ‘historic/nautical old town square’.

ACTION – Commissioner Lambeth MADE THE MOTION to approve the theme for the Ocean Front Park as a general theme of a ‘historic/nautical old town square’. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

#### **NEW BUSINESS**

1. Discussion and Approval of Rules of Procedures for Town Council

ACTION – Commissioner Vatr MADE THE MOTION to accept the proposed Rules of Procedures for Town Council as revised on April 17, 2008. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

## 2. Discussion and Approval of providing Port-a-lets at Beach Accesses and Ocean Front Park

Mayor Montgomery stated:

- Currently there are no public restrooms in the Town of Kure Beach. There is a port-a-let in Joe Eakes Park.
- The Shoreline Access and Parking Committee recommends putting port-a-lets (handicapped accessible) at E, F, G, H, I, J and N Avenue beach accesses at a cost of \$1,960.

Discussion

- Don't want to live next door to one – will be abused. (Nelder)
- Want to see 4 handicapped accessible port-a-lets at the Ocean Front Park as a test to see what we would be dealing with such as vandalism (Lambeth)
- Terribly unsightly – horrible odor – seems like overkill at each access– would rather see in park as a test with decorative screening (Vatr)

ACTION - Commissioner Lambeth MADE THE MOTION to authorize two handicap accessible portable toilets and two regular portable toilets for the Ocean Front Park as a test and to authorize Public Works Director Beeker and Town Administrator James to take action on this and provide some sort of screening. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

## 3. Atlantic Boardwalk Project Presentation

Building Inspector John Batson stated:

- He recommends putting contract out to bid by end of June and award contract by end of July, with work to begin in September.
- The architect plans call for minimum lighting detail to be put in only if legally required
- Next month he will bring to Council a completed set of drawings for Council approval

Discussion on lighting:

- Unless there is a legal requirement, sufficient lighting exists and additional lighting is not required (Montgomery)
- Since the boardwalk is handicapped accessible, any height changes will have to be lighted (Lambeth)

ACTION – consensus - a copy of the plans are to be available in Town Hall for viewing and given to the Beautification Committee prior to their next meeting. A representative from John Sawyer Architects is to be present at the next Beautification Committee's June

9<sup>th</sup>, 2008 meeting. All comments from the public are to be reported to the Building Inspector.

ACTION –Commissioner Lambeth MADE THE MOTION to table the review of the Atlantic Avenue Boardwalk plans to the June Council meeting. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

#### 4. Discussion of ordinance to allow dogs on the beach Commissioner Vatrt stated:

- The Town's current ordinance doesn't allow dogs on the beach at all from April 1 to September 30.
- He researched other towns along the eastern seaboard regarding their ordinances about dogs on the beach and most allow at some time during the day
- Wrightsville and Carolina Beaches don't allow dogs on the beach at all during the summer, except Freeman Park in Carolina Beach, which allows dogs on the beach all the time with a leash.
- He met with the turtle group and they are concerned about allowing dogs on the beach during turtle season.

Mayor Montgomery stated that other areas exist that do allow dogs on the beach and historically the police have tried to keep the same ordinance as Carolina Beach since you can't tell when you cross town limits when walking on the beach.

Mayor Montgomery called for a motion. No motion was forthcoming.

#### 5. Economic Development update Commissioner Vatrt stated:

- He wants to start a Main Street Project and combine efforts with Carolina Beach and Pleasure Island to create a unified development plan.
- He needs a tone or theme for Kure Beach's part in the Main Street Project
- He is asking Council to include a budget of approximately \$25,000 to \$40,000 in the fiscal year 2008-2009 budget to fund economic development.

#### Discussion -

##### 1. What would these funds be used for? (Dugan)

Commissioner Vatrt stated the funds would pay for a representative from the School of Government to come in and do a study for development for the Town and also possibly to fund an architectural design plan.

##### 2. We already have a B1 study that Sawyer Architects did last year. Isn't there grant funding through the Main Street program? (Lambeth)

3. We funded the B1 study via Tourism Development Authority Room Tax funds. This may be another revenue source. (Montgomery)

4. I'm concerned about where the funding is coming from. We just crunched numbers and had to make some other cuts. (Nelder)

ACTION – Commissioner Lambeth MADE THE MOTION to include a line item for economic development in the amount of \$25,000 in the fiscal year 2008-2009 budget subject to the availability of funds. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Emergency Operations Center (EOC) committee  
Commissioner Dugan stated he is requesting authority to advertise for additional members for the EOC committee due to recent resignations.

ACTION – Commissioner Vatr MADE THE MOTION to direct the clerk to advertise for EOC committee members in the newspaper and on the website for volunteers as soon as possible. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Town Administrator James handed out financial information to Council members and requested more time on the Personnel manual in order to concentrate on the budget, then the manual, and then policies.

ACTION - consensus of Council is for concentration to be on the budget with the Personnel manual and policies second.

ACTION – consensus of Council– schedule a Town Council meeting for May 29<sup>th</sup> at 6:30pm for the formal budget presentation.

**CLOSED SESSION** – personnel issues

ACTION – Commissioner Nelder MADE THE MOTION to go into closed session for the purpose of discussing personnel matters at 9:50pm. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION - Commissioner Vatr MADE THE MOTION to return to open session at 10:51pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

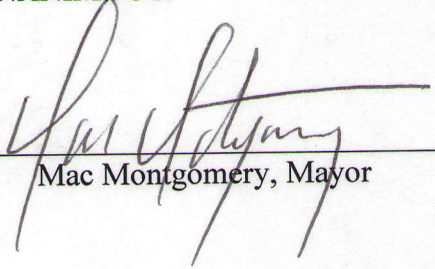
ACTION - Mayor Montgomery stated that Council consensus is to continue funding a seasonal position of head lifeguard in the Fire Department

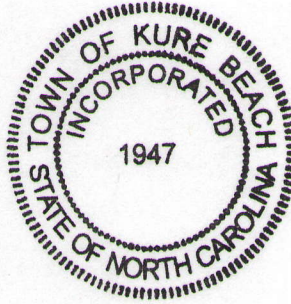
ACTION - Commissioner Vatr MADE THE MOTION for the mayor to take on the task of meeting with the Town Administrator and the Town Clerk on their job descriptions that meet Council's understanding. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

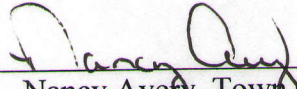


**ADJOURNMENT**

ACTION – Commissioner Nelder MADE THE MOTION to adjourn at 10:55pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

  
\_\_\_\_\_  
Mac Montgomery, Mayor



ATTEST:   
\_\_\_\_\_  
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 hear the recording of this meeting may request to do so by contacting the Town Clerk.