

KURE BEACH TOWN COUNCIL

REGULAR MEETING
March 20, 2007

MINUTES

The regular meeting of the Town Council of the Town of Kure Beach was held at Town Hall at 7:30 pm on March 20, 2007. A quorum was present.

COUNCIL MEMBERS PRESENT:

Mayor	Tim Fuller
Mayor Pro Tem	Mac Montgomery
Commissioner	Jim Dugan
Commissioner	Bill Ufferman
Commissioner	Dean Lambeth

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Finance Officer	Susan Suggs
Police Chief	Dennis Cooper
Public Works	Sonny Becker
Town Clerk	Nancy Avery
Fire Dept	Harold Heglar

STAFF ABSENT:

Building Inspection John Batson

Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:30pm, delivered the invocation, and led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

None

PERSONS TO ADDRESS COUNCIL

Bruce Holsten, chairman of the Pleasure Island Chamber of Commerce recognized Executive Director Gail McCloskey, also in attendance. Mr. Holsten commented:

- The relationship between the Town and the Chamber has in the past not always been perceived as relevant
- The Chamber is committed to helping and supporting the Town in any way possible and maintaining relevance and value to the residents and businesses that call Kure Beach home

- A 34 year history has brought significant changes to resident profiles and business core districts of the Island.
- Blind promotion of tourism without consideration of impact on neighborhoods and citizens and overall quality of life is no longer an acceptable model for the Chamber and the new model has as it's core value the concept of a sustainable community that enjoys strong and vibrant neighborhoods and businesses.
- 40% of the Chamber's board members are citizens or active stakeholders in Kure Beach. Some serve on town committees and report the needs and wants of the Town to the Chamber, as well as how the Chamber can serve the Town
- He applauds adoption of new business plan and model and the Land Use Plan
- He extends congratulations on the Town's 60th anniversary

Mayor Fuller asked Gail McCloskey to talk about the Room Occupancy Tax (ROT) request. Ms. McCloskey stated that the Town donated \$5,000 of the proceeds from the ROT to the Chamber last year which was used towards funding summer concerts, the Seafood and Blues Jazz Festival, along with other things and the Chamber is asking again for the same donation for this year.

ACTION – Commissioner Ufferman MADE THE MOTION to apply to the Tourism Development Authority (TDA) for proceeds from the Room Occupancy Tax for \$5,000 to donate to the Chamber for concerts, movies, etc. The motion was seconded by Commissioner Dugan.

ACTION - After discussion, Commissioner Ufferman AMENDED THE MOTION to apply to TDA for \$6,000 of ROT proceeds to be donated to the PI Chamber of Commerce to be used for entertainment on the island. THE VOTE OF APPROVAL WAS UNANIMOUS

2) Officer Charles Smith, president of the Carolina Beach Lifeguard Association stated:

- The organization was formerly known as Carolina Beach Boosters Association formed in 1998
- Purpose was to support CB lifeguards, but wasn't funded by Carolina Beach
- Organization has been inactive since 2001 and recently brought back to life as CB Lifeguard Association
- Recognized on State and Federal level as non profit charity with a mission to support the lifeguards of Carolina Beach in beach safety.
- Supports both Carolina and Kure Beach lifeguards in events not funded by other organizations
- 2008 regional competition will be held on Pleasure Island and the organization is working with hotels to provide occupancy. Total of 30 certified beaches in region participate from Virginia to Florida. Expecting 850-1000 attendance.
- Organization is not asking for money, but for support and recognition of this group to solicit businesses for funding.
- Last year, the organization worked on making the island one beach when help is needed

Commissioner Dugan stated he spoke with Tom Cannon about supporting this organization and there appears to be no downside to supporting the organization and it helps make the whole beach strand much safer. It also gives opportunity to lifeguards to attend competition. Mayor Pro Tem Montgomery commented that it is positive for the Town to help sponsor an activity that occurs in the Town and requested that the organization come back to the Town when planning for the 2008 competition to request support.

3) Candace Clark, resident, read a statement regarding tax revaluation. Highlights from the statement are:

- In Kure Beach, sales and asking prices appear to have fallen by about 25-30% since 2005. County valuations are closer to the 2005 prices.
- The national mortgage picture is turning ugly for those who took on ARMs and subprime loans. Nationwide, foreclosures have reached 40-year highs.
- County's tax office has overvalued much of the housing stock. Although it claims a "revenue-neutral" tax rate, if predictions of 55 to 60 cents per \$1000 come to pass, taxes will increase for many, perhaps the majority, of county property owners.
- Town Council is urged to pass a resolution to notify New Hanover County of the inequities in taxation for KB property owners and encourage steps to remedy the problems
- Businesses and vacation rentals contribute more tax money to the County than the town receives in benefits since the Town supplies its own police and fire protection, water and sewer lines, road building and repairs, park and recreation facilities, and trash
- County should change its taxing formula for Kure Beach so that it better reflects the services the County has to provide us and credits us for the services we provide for ourselves.
- The Town, in turn, could reduce tax rates for citizens.
- County should reduce its valuations of property in Kure Beach by at least 25 to 30% to match more closely the actual market value of property on 1/1/2007.

APPROVAL OF CONSENT AGENDA

1. Council Minutes: 2/20/07 regular, 2/20/07 public hearing, 3/13/07 work session pre-budget, 3/13/07 public hearing condemnation, 3/13/07 work session vehicle access on beach for handicapped
2. Police Report: February 2007
3. Building Inspector Report: February 2007
4. Finance Report: February 2007
5. Town Clerk Report: February 2007
6. P & Z draft minutes: March 6, 2007
7. Adopt resolution R07-04 approving financing contract with BB&T for loan for water tower, well house and Town Hall renovations (public hearing held 2/20/07)
8. Approve FY07-08 budget schedule:
 - April 2 – finance provides budget package to department heads
 - April 12 - budget input from department heads due to finance

- April 17 – preliminary budget presented to Council
 - April 19 – work session with Council and building, fire, administration and finance department heads
 - May 3 – work session with Council, police and public works department heads and committee chairs
 - May 16 – advertise Public Hearing May 31 at 7:00pm
 - May 31 – Public Hearing and adoption of budget
9. Approve contract change order for increase in code enforcement fees for FY07-08 of 5% or \$86.00 for new contract total of \$1,802.00 for New Hanover County Fire Services

ACTION – Commissioner Dugan MADE THE MOTION to add the Fire Department February Report to the consent agenda. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

ACTION – Mayor Pro Tem Montgomery added the following three items under new business:

- 4) Amendment to Land Use Plan regarding B1 district
- 5) Letter to DOT regarding Fort Fisher Historical Site
- 6) Request lease extension on park property from Sunny Point

DEPARTMENT HEADS

1) Building Inspector – no items

2) Finance – Finance Officer Suggs requested authorization from the Council to seek financing for three trucks budgeted by the Police Dept. for an approximate total of \$100,000 for all three for a term of 4 years.

ACTION – Commissioner Ufferman MADE THE MOTION to authorize the Finance Officer to arrange financing for three previously budgeted vehicles for Police Dept. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

3) Fire – no items

4) Police – no items

5) Public Works – no items

6) Town Clerk

- Approval of financial software contracts with ICS and funding allocation

Cost to purchase and install software	\$38,112.43 (FY07-08)
Estimate to train staff *	\$ 3,670.00 (FY07-08)
25% down payment purchase/install only	\$ 9,528.11 (FY06-07)

ACTION – Commissioner Ufferman MADE THE MOTION to approve the ICS contract and transfer \$9,528.11 from the General Fund to the computer account in administration for the down payment. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

- Amend minutes from 2/13/07 work session on K Ave parking proposal to add transcript of tape – per request received by Town Clerk

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to add the transcript to the amended minutes from 2/13/07. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

COMMITTEE REPORTS

Commissioner Dugan stated:

- Council values all the work done by committees and has donated department heads to committees as a resource
- department heads work for the Council, committees advise the Council, but department heads don't report to or answer to committees but to the Council.
- if a committee member or chair is having a problem or needs assistance or cooperation, please come to the Council, not the department heads.

ADA

Chair Gilbert Alphin stated:

- beautiful job was done on Town Hall landscaping
- drop box for payments is not reachable without getting out of the car and suggested placing it where it can be accessed by car.

Mayor Fuller responded that moving the drop box is a great idea - need to look at where to put it and possibly lowering it.

BEAUTIFICATION

Chair John Gordon gave an update on four projects as follows:

- 1) planting of live oaks on town median – done
- 2) Atlantic Ave – CAMA grant pre-application for \$175k approved
- 3) Town Hall landscaping is 2/3 done. Thanked Candace Clark for overseeing and making it happen and stated this is an example of departments and committees working together
- 4) Landscaping on lot on corner of Sandman and Anchor Way – his committee visited Bald Head Island to view their landscaping and would like to use this lot as a demonstration lot showing residents natural planting for the areas. Chair Gordon stated two grants have been received from the Department of Forestry and requested Council approval to pursue another grant of \$3500 to be used in 2008 for Sandman/Anchor Way.

ACTION – Commissioner Ufferman MADE THE MOTION to approve \$3500 grant application for Sandman/Anchor Way lot landscaping. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Public Works Director Beeker asked Council if there has there been any other discussion about the area at the corner of Sandman and Anchor – possibly selling the land and using the money to do other things, since it is an expensive piece of property probably worth \$1,000,000.

Commissioner Dugan responded that there had been no discussion as to whether if the property were kept as a park, there would be a picnic area or swings, etc.

Mayor Pro Tem Montgomery said landscaping doesn't preclude the Town from using the property for other things, applying for the grant doesn't mean the Town has to accept and the Town shouldn't miss the grant cycle.

Commissioner Lambeth stated the Parks and Recreation Advisory committee has also looked at that property and maybe the cart is being put before the horse

Barry Nelder, member of the Beautification Committee, said:

- three current commissioners were on the board at the time it was voted unanimously to make this area green space
- the Town discovered it had not registered the deed and Joe Hearn made an agreement with the Town and Mr. Hearn's understanding would be the area would be used as green space and not sold off
- there have been talks with Beach Walk regarding enlarging that space
- there is no green space in north end of town and not using as green space would require Council to rescind prior approval
- he has a big problem with selling off the property.

Mayor Fuller responded:

- he hasn't heard anything from Council about a plan to do anything other than what had previously been talked about
- doesn't know anything about space having Hearne's name on it
- Public Works Director Beeker made recommendation for Council's consideration
- At this point, Council is only considering whether to apply for grant for plants.

Public Works Director Beeker stated the property supposedly was deeded over to the Town on a deal made by Hearne and other developers and had nothing to do with green space - don't know where that came from. Town to fill in pond and do with as it sees fit. .

Mayor Pro Tem Montgomery commented that once all committees are formed to include the Parks and Recreation Advisory committee, that a long range use for that property needs to be considered

Commissioner Ufferman stated that any plan also has to be approved by neighbors

CITIZEN BEACH PROTECTION

Chair Barber stated that:

- renourishment is complete with 310,000 cubic yards of sand at a cost of \$3,000,000. Another renourishment will be needed in 3 years. He and Mayor Fuller and Carolina Beach Mayor Clark attended a meeting in Washington, D.C. about renourishment.
- recommends Council approve turtle monitoring contract of \$4200
- magnets put together by his committee were mailed in March newsletter More are available in town hall
- fertilization of all dunes will occur in April
- volunteers will be needed soon to plant sea grass

ACTION - Commissioner Dugan MADE THE MOTION to approve continuation of the contract with Jody Lamberto for monitoring of sea turtles in the amount of \$4,200 to be split between this fiscal year and the next. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

COMMUNITY CENTER

Chair Francis Regan stated that the Community Center Spirit Award banquet is Friday, March 30th. Over 200 tickets have been sold and it is the best one ever.

MARKETING

Chair Helen Wilson was not in attendance but did ask that the Council appoint Gilbert Alphin to the committee.

ACTION – Commissioner Dugan MADE THE MOTION to appoint Gilbert Alphin to the Marketing Committee. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Commissioner Ufferman stated that Chair Wilson told him it would be nice for the committee to receive notification of the monthly Tourism Development Authority fund amount balance.

SHORELINE PARKING AND ACCESS (SLAP)

Chair Chuck Keener commended Public Works Director Beeker on the good work done replacing the access cross over and on how easy he is to work with. Chair Keener also noted:

- the ADA ramps are finished
- paving the Community Center parking lot should be finished by March 30, 2007
- bike racks will be installed in May
- beach access downtown is finished
- 5 grants were applied for in February 2007, only one was pre-approved for the changes on Atlantic Avenue in the amount of \$235,000 for the project and \$175,000 as grant money for the Beautification Committee
- K Ave parking and sidewalk proposal– where do we go from here?

ACTION - Consensus of Council – committee to pursue grant for construction of sidewalk on North side of K Avenue only at this time, determine if there is DOT funds available to construct sidewalk and leave any other decision until after the B1 master plan is complete.

PARKS AND RECREATION

ACTION – Commissioner Lambeth MADE THE MOTION to table appointments to the committee to the April meeting. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

STORMWATER

Mayor Pro Tem Montgomery stated that at the next meeting on April 10th, a representative from the Department of Water Quality will be in attendance to talk about adopting a universal storm water plan at Town Hall

60th ANNIVERSARY

No report

EOC

Chair David Heglar requested Council:

- Review draft letter to citizens – would like feedback from Council by April 30. The letter is the same as the one used last year.
- Approve advertising for members on EOC and Damage Assessment Committees. He will poll people already serving in position to see if they want to continue

ACTION – Commissioner Dugan MADE THE MOTION to authorize the Town Clerk to work with Chair Heglar to advertise for members for EOC and Damage Assessment Committees. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Fuller called for a ten minutes recess at 9:05pm.

Mayor Fuller resumed the meeting at 9:15pm

OLD BUSINESS

1) Adopt ordinance directing Building Inspector to demolish dwelling located at 330 N. Fort Fisher Blvd (Public Hearing held 2/20/07)

Commissioner Lambeth explained that the Building Inspector held a hearing with the property owner and Town Council held a public hearing on February 20, 2007 regarding demolition of the structure located at 330 N. Ft. Fisher Blvd. The owners have volunteered to tear down the structure, but should this not occur, adoption of the ordinance allows the Town to proceed with demolition if the owner doesn't comply.

ACTION – Commissioner Lambeth MADE THE MOTION to adopt the ordinance directing the Building Inspector to demolish the structure located at 330 N. Ft. Fisher

Blvd. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Tabled items:

1) Consideration of signage for beach access parking ordinance adopted 1/18/07, SLAP committee chair to call joint meeting with the other committees and come up with a plan to present to council

Chair Keener stated that the committee chairs and some department heads met earlier in the day and discussed ideas. Police Chief Cooper is to bring plans to April meeting.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to continue tabling item until the April Council meeting. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

2) Streetlight assessment for south of K Avenue-- need more input from public, power lines need to be buried, additional cost of \$5k per year

ACTION –Commissioner Lambeth MADE THE MOTION to continue to table. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

3) Draft ordinance re use of vehicles on beach by handicapped.

Mayor Fuller stated that a work session had been held on 2/13/07 and the following steps would be taken:

- a. Dick Graham/ADA committee, Officer Paul Hubbard/Police Dept., and Town Attorney to draft letter to Attorney General and relevant agencies requesting input to finalize draft ordinance
- b. Commissioner Dugan and Mayor Pro Tem Montgomery to work with grant writer to research grants for purchase of motorized beach wheel chairs
- c. Recommendation on above to be made at April 2007 council meeting

ACTION – Commissioner Dugan MADE THE MOTION to continue to April meeting. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

NEW BUSINESS

1) Revaluation

Commissioner Ufferman stated:

- He has received calls from many citizens about the revaluation
- Many people in Kure Beach are on fixed income – not a lot of the citizens are wealthy
- Not many avenues of relief exist except the homestead exemption which is only about \$20,000

- He attended a meeting with Mayor Fuller at the county regarding revaluation – he asked about homestead exemption and was told he could take it – then was told later that Social Security in the determination
- He feels Council needs to keep Town's taxes as low as possible
- Thinks Council should meet with the county.
- He believes revaluation is 30% too high
- There have been articles in Star News about bankruptcy and foreclosures in Brunswick County that included property in Kure Beach
- Porter's Neck got a reduction in revaluation and we should see what Council can do

Mayor Pro Tem Montgomery stated:

- The homestead exemption in NC is antiquated – slightly above poverty level
- There is new legislature to raise the exemption from \$19k to \$49k and citizens should contact local legislators to support revision of homestead bill

Commissioner Dugan asked if there had been any discussion between the beach mayors.

Mayor Fuller replied that:

- The beach towns' increase was far greater than elsewhere in the county with 80% countywide average and the beach towns' 2 ½ % higher
- County can't have differential tax rate per state law
- Mayors are trying to find ways for County to pay for services the Towns now pay for to offset expenses – such as lifeguards. People all over the state and county use our beaches and lifeguard protection costs Kure Beach \$67,000 a year
- Also recommending County provide an additional magistrate. Currently the state pays for three magistrates divided by three towns, so there is a long wait and a police officer has to drive to Blue Clay road, a 30 minute trip, which leaves our town short on manpower and security
- Every individual property owner can protest revaluation thirty days from receipt of notice.
- He and Commissioner Ufferman are planning to talk with the County Tax Collector again.

John Gordon, a resident, asked what do we get from County other than a school which is really in Carolina Beach? Do people in Wilmington pay county taxes?

Mayor Fuller replied yes, they do. The Town is not getting a lot for what we pay.

Commissioner Dugan stated that we don't want to burn bridges and every time we've gone to the County they've stepped up. Some things are required by law such as if someone says they don't want to pay fire tax because they never use the Fire Dept., they still have to pay. It is an unfortunate by product of system. Council needs to work to equalize the flow.

Mayor Fuller added that the County pays for ambulances/ hospitals/schools/court system/social services/health dept.

Eric Vann, a resident, commented that the County did a poor job assessing property. Revaluation was done at peak and market has gone down now.

2) Carolina and Kure Beach Sewer Authority

Mayor Pro Tem Montgomery explained that:

- for three years there has been an on going impasse between Carolina Beach and Kure Beach over how much Kure Beach owes for sewage processing at the Carolina Beach plant
- a joint authority was established in the 1980s and Kure Beach agreed to share the cost
- Commissioner Dugan and myself started working on the issue and have finally settled the rates for Fiscal Year 02-03
- the authority has been meeting monthly to settle other Fiscal Years
- the cooperation of Kure Beach Council and Carolina Beach Council and their manager has been positive and has caused the issue to be resolved
- the authority consists of two members from each town, but each Council must approve recommendations

ACTION – Commissioner Dugan MADE THE MOTION to approve the rate schedule as recommended by the authority for Fiscal Years 03-04, 04-05, 05-06 and through January 2007 in the total amount of \$285,000.14 and approve payment to Carolina Beach. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Pro Tem Montgomery requested the Finance Officers for both towns work out a payment schedule with Commissioner Ufferman. Finance Officer Suggs stated that this amount was not appropriated in the budget.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to budget the \$282,000.14 referenced above out of the water/sewer fund balance for Fiscal Year 06-07 to pay Carolina Beach. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION — Mayor Pro Tem Montgomery MADE THE MOTION for Council to adopt the change to the Sewer Authority agreement that requires any action by the authority be approved by the respective legislative board. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Commissioner Ufferman clarified to Finance Officer Suggs that payment arrangements need to be set in order to keep money in Certificates of Deposit.

3) Schedule work session for Tuesday, April 10, 6:30pm to discuss results of study regarding Town Manager/Administrator

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to schedule a work session Tuesday, April 10 at 6:30pm to discuss the results of the study conducted by Mo Lindquist and Jim Vartt regarding the need for a Town Manager or Town Administrator. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

4) Amend Land Use Plan (LUP)

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION for the Town Attorney, Commissioner Lambeth and Planning and Zoning member Ken Buchert to work with CAMA representative Mike Christenberry to draft language to amend the LUP and also the Code of Ordinances regarding single family homes in the B1 district, keeping the Town’s goal in mind and bring a report to the April Council meeting. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

5) Letter to DOT regarding Fort Fisher Historical Site

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to send a letter to DOT supporting the request from the Ft Fisher Historic Site to lower the speed limit to 25 mph and place two crosswalks on each side of the parking lot near the site. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

6) Request lease extension on park property from Sunny Point

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to prepare a letter for the mayor’s signature to the commander of Sunny Point to request an extension of lease on the 24.83 acres used for the park from five to twenty years to qualify for State and Federal grants for recreational purposes. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

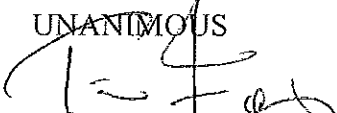
COMMISSIONER ITEMS

Commissioner Lambeth stated he commends the work Commissioner Dugan, Mayor Pro Tem Montgomery and Finance Officer Suggs put into the Sewer Authority reconciliation.

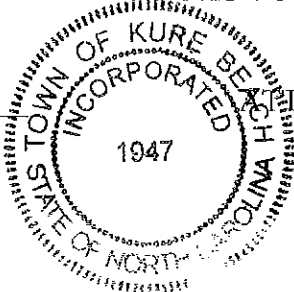
- Mayor Pro Tem Montgomery – none
- Commissioner Ufferman – none
- Commissioner Dugan – none
- Mayor Fuller – none
- Town Attorney Canoutas – none

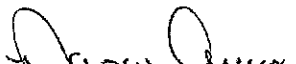
ADJOURNMENT

ACTION Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 10:14pm. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor



TEST: 

Nancy Avery, Town Clerk