



KURE BEACH TOWN COUNCIL
REGULAR MEETING
August 21, 2007
7:30pm

MINUTES

CALL TO ORDER	Mayor Fuller
WELCOME	Mayor Fuller
INVOCATION	Mayor Fuller
PLEDGE OF ALLEGIANCE	All

Mayor Fuller called the meeting to order at 7:33pm, delivered the invocation and led the audience in the Pledge of Allegiance.

RECOGNITION AND AWARDS:

Tom Russell presented a plaque to the Town for participation in the Step Up For Soldiers Fishing Tournament held Saturday, August 18, 2007 and recognized individual council members and citizens for volunteering their time.

PERSONS TO ADDRESS COUNCIL:

1. Mary Beth Whitton, resident, regarding sewer increase.

Mayor Fuller stated that Ms. Whitton was not able to attend, but sent a letter. Mayor Pro Tem Montgomery read the letter stating concern about the increase in sewer fees. Said letter is herein incorporated as part of these minutes as attachment A.

2. Paul Martinez – bike paths

Mr. Martinez stated he was appointed to the county bike committee and introduced Mike Kirkbride. They presented a proposal implemented by the Outer Banks on bike paths. They asked Council to review the proposal stating they believe Pleasure Island has similar numbers between Carolina and Kure Beach and think this proposal could successfully apply here.

Mr. Kirkbride stated Carolina and Kure Beach were unsuccessful in a joint request for a grant for planning bike paths. He also stated the proposal outlines an eight mile loop along the island from Snow's Cut bridge to the Ferry. Money would be generated by people coming to the area to bike and staying in motels which would also help increase tourism in the shoulder seasons. Mr. Kirkbride indicated this is a preliminary proposal that Council will be hearing more about in the future – possibly as a request for funding.

Commissioner Lambeth stated that the State Parks and Recreation funds are available only if the land is owned or the Town has a 25 year lease.

Commissioner Ufferman indicated to the Town Clerk that he would be unable to attend the meeting due to health issues and asked that the Council vote to excuse him from the meeting.

ACTION – Commissioner Lambeth MADE THE MOTION to excuse Commissioner Ufferman from the meeting. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

APPROVAL OF CONSENT AGENDA

1. Council Minutes: July 17, 2007 regular and closed session
2. Police Report: July 2007
3. Building Inspector Report: July 2007
4. Fire Report: July 2007
5. Financial Report: July 2007
6. P & Z draft minutes: August 7, 2007
7. Budget revision for change order regarding water tower \$18,882
Budget revision for change order regarding finishing bathrooms for Town Hall renovation - \$54,163 (council approved both change orders 7/17/07)
8. Renewal of memberships: School of Government, Council of Government, NCIWA, NCLM, NC Resort Towns, City of Wilmington MPO, NCCBI at total cost of \$4,659.00 as budgeted
9. FY0708 Budget amendment # 1 revising the Fee Schedule to reflect detailed break down of water/sewer minimum and incremental fees) – no change to fees as adopted 6/19/07
10. Resolution R07-11 authorizing Department Heads and Town Clerk to approve and sign contracts for budgeted goods/services not to exceed \$100,000 (as per staff mtg)
11. Resolution R07-12 authorizing advertisement for sealed bids for sale of surplus property (property declared surplus at 7/17/07 meeting)
12. Job description for new budgeted position of Assistant Fire Chief
13. Town Clerk/Admin report
14. Revised job descriptions for administration

Commissioner Dugan asked to remove item # 10 from the consent agenda and add as item # 3 under new business.

ACTION - Commissioner Dugan MADE THE MOTION to adopt the consent agenda with the removal of item #10 regarding Resolution R07-11 to be moved to item # 3 under new business. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ADOPTION OF THE AGENDA

Commissioner Lambeth asked to delete item # 1 under New Business regarding resolution R07- 10 opposing use of TDA funds for Mason Inlet. Mayor Pro Tem Montgomery objected to deleting the item.

ACTION – Commissioner Dugan MADE THE MOTION to adopt the agenda with no changes. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

1. Building Inspection Department: none
2. Finance Department:
3. Fire Department: none
4. Police Department: none
5. Public Works Department: none
6. Town Clerk: Clerk Avery reported that the redesigned website is live at the same address.

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

1) Town Administrator: Jim Vatr

Chair Jim Vatr thanked Mo Linquist and also Chris May of Cape Fear Council of Government for their assistance. Chair Vatr stated the committee proposed a list of qualifications, recommended contract, recommended job description, and organization chart recommending Council consider all information and discuss at a work session before adoption.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION TO** hold a work session on Wednesday, September 5th at 1pm to discuss information and further steps to include council, dept heads, Chris May and Mo Linquist – clerk to post proper notice. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

2) EOC: Jim Dugan

- Appoint Dan Bell, Don Mojzis, Ron Tilmon, and Chris Blish
- Tsunami emergency procedures

Mayor Fuller stated that EOC chair David Heglar has been called to active military duty. Commissioner Dugan will be acting chair in Mr. Heglar's absence.

ACTION – Commissioner Dugan **MADE THE MOTION to** appoint Dan Bell, Don Mojzis, Ron Tilmon, and Chris Blish to the EOC committee. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Commissioner Dugan stated the county is working to establish tsunami procedures to become a "tsunami proof" Town and would like to set up a meeting with Town department heads for 9am Monday, 8/27 after the staff meeting. Clerk to post notice.

3) ADA Committee: Gilbert Alphin

Chair Alphin stated his committee has received requests from citizens for more ADA parking spaces in the B1 district.

CONSENSUS of Council– refer to SLAP committee for review and recommendation. at September council meeting.

4) Beautification: Barry Nelder

a) Chair Nelder stated his committee is concerned that sea oats will be destroyed and not replaced as part of the Atlantic Avenue boardwalk project.

Mayor Pro Tem Montgomery said the committee needs a work session because an architect submitted a plan that Council approved and the grant was approved based on that plan. Any changes have to go back to CAMA for approval.

CONSENSUS of Council – the SLAP and Beautification Committees and Sawyer Architects are to meet jointly at the next SLAP meeting on September 4th at 5pm to discuss possible changes to the Atlantic Avenue plan.

b) Town Hall landscape maintenance – Chair Nelder stated he received \$500 from the Town towards maintaining the landscaping and he needs a status on what the Public Works department will do to help maintain landscaping.

CONSENSUS of Council– the Beautification committee is to get maintenance requirements and concerns to Public Works for consideration and a decision. Mayor Pro Tem Montgomery is to oversee.

c) Appointments – Chair Nelder stated he has three applications, Gary Cox, Sandra Hall and Ron Eccleston, for membership and several openings are coming up on the committee.

Mayor Pro Tem Montgomery said that Judy Larrick’s resignation was never submitted to council and a committee needs to have a vacancy before a member can be appointed. Chair Nelder stated that Judy Larrick resigned from the committee and asked council to accept her resignation.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to accept Judy Larrick’s resignation from the Beautification committee and directed the clerk to post notice of vacancy. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

5) Citizen Protection/Beach re-nourishment: Tom Barber

a) Chair Barber stated that deep holes dug on the beach may result in dangerous cave ins and the Town of Topsail Beach has an ordinance not allowing holes deeper than 12 inches and calls for posting a guard.

CONSENSUS of Council – refer Topsail Beach ordinance to Town Attorney for review and make recommendation.

Commissioner Dugan stated that the lifeguards will address the issue of holes dug on the beach in the meantime and sweep the beach for any problems. Chair Barber stated his committee would assist as needed.

Mayor Pro Tem Montgomery stated:

- he is not in favor of a hammer approach to solve the problem by adopting an ordinance and prefers to educate the public instead
- hi is not in favor of citizen enforcement
- the matter was discussed in a staff meeting and all departments unanimously were against the ordinance approach and suggested since life guards are on the beach anyway, they could address

b) CAMA permit – Chair Barber presented a draft letter that has been approved by the Town Building Inspector to be given out stating vegetation should be replanted when damaged during the installation of pools, etc.

c) Resignation of Sandy Putnam – Chair Barber stated Sandy Putnam has resigned and asked the clerk to advertise for a replacement.

6) Community Center:

Lori Eccleson reported that 320 dinners were served at bar-b-que fund raising, which is the largest amount to date. A square dance is scheduled for Friday, 8/24.

7) KB Marketing Advisory: no report

8) Shoreline Access and Parking: Chuck Keener

- Appoint James Smith and Linda Cheshire

Chair Keener requested postponing appointments to committee to the September council meeting.

9) Parks & Recreation Advisory:

Commissioner Lambeth thanked Town volunteers for tabulating survey results.

10) Storm water:

Mayor Pro Tem Montgomery stated the committee will have a booth at the Seafood Blues and Jazz Festival and needs volunteers.

Mayor Fuller called for a 10 minute recess at 9:10pm.

Mayor Fuller resumed the meeting at 9:20pm.

OLD BUSINESS

1. Planning and Zoning recommendations on previously referred items:

- Density – amend parking regulations
- LUP amendment – don't amend to delete sections 77(d) and 77(g)
- B1 master plan – ask Sawyer Architects for help in locating bond/grant funding

a) Density

Commissioner Lambeth stated that Planning and Zoning (P&Z) proposed changes to the parking regulation amendments in the zoning ordinance as part of controlling density.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to schedule a public hearing on Monday, 9/25 at 7pm on the proposed parking regulation amendments to chapter 19 on zoning regarding density. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to cancel the public hearing on 9/25 at 7pm as there is not adequate time to allow for advertising and schedule a public hearing for 10/9/07 at 7pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

b) LUP amendment

Commissioner Dugan read the new proposed amendment to delete sections 77(d) and (g) on page 120 of the 2006 Land Use Plan and explained that this is a hoop that the Town has to go through to get CAMA to drop the law suit. By amending as such, the Town's ordinances will rule development rather than the LUP.

Mayor Fuller explained that in practical terms, the amendment will not make any difference. The Town will make it's stand in the ordinances.

ACTION - Commissioner Dugan MADE THE MOTION to cancel the public hearing for 9/18/07 at 6:30pm on the proposed Land Use Plan amendment for and schedule a public hearing for Tuesday, 10/16/07 at 6:30pm or soon thereafter. Commissioner Lambeth seconded the motion. THE MOTION PASSED THREE TO ONE as follows:
Mayer Fuller, Commissioners Lambeth and Dugan – affirmative
Mayor Pro Tem Montgomery - against

c) B1 master

Commissioner Lambeth stated that P&Z recommended Council ask Sawyer Architects for suggested funding sources for the B1 master plan, particularly for burying power lines.

2. Consideration of adoption of proposed oil and grease ordinance thus amending Code of Ordinances to add sections 17-62 through 17.62.3 to Chapter 17, Utilities, Article III, Sanitary Sewers, Section 17-62 Obstructing Sewers

Mayor Pro Tem Montgomery stated Department of Environment and Resources is requiring adoption of this ordinance.

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to adopt the oil and grease ordinance. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Said referenced ordinance is here in incorporated as part of these minutes at attachment B.

NEW BUSINESS:

1. Consideration of resolution R07-10 opposing use of TDA funds for Mason Inlet
Mayor Pro Tem Montgomery explained that the Wrightsville Preservation Group requested the county to use beach nourishment or general fund tax money to maintain Mason Inlet and that Figure Eight Island and the Shell Island Resort on Wrightsville Beach both agreed to pay for the project for thirty (30) years from annual assessments,

Commissioner Lambeth recommended sending a letter instead of a resolution.

Mayor Fuller said he originally intended to send a letter to the county saying the decision shouldn't be made without receiving comments from all involved parties.

Commissioner Dugan stated he agreed with being gentle with the county commissioners and that a adopting a resolution may come back negatively on the Town.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION for Council to indicate to the County Commissioners that funds not be used for any purpose other than beach nourishment without the consultation and consent of the three beach towns.
Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

2) Proposal from attorney Holt Moore to represent BOA and Planning & Zoning
Mayor Pro Tem Montgomery stated a proposal from attorney Holt Moore came about due to legal issues in having the Town's attorney also represent the Board Of Adjustment and Planning & Zoning at the same time as representing the Town.

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to accept the proposal from attorney Holt Moore and allocate additional budgeted amount of \$10,000 under court fees and designate for this use, not to exceed \$10,000 and to include an additional \$10,000 from the general fund reserve for this line item. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said proposal is herein incorporated as part of these minutes as attachment C.

3) Resolution R07-11 authorizing Department Heads and Town Clerk to approve and sign contracts for budgeted goods/services not to exceed \$100,000.

Mayor Fuller explained that discussion was held in a staff meeting about delegating authority to Department Heads for budgeted items since the Council had given previous approval by virtue of budget approval. Mayor Fuller stated that Department Heads wouldn't sign contracts, that would be the responsibility of the mayor or his designee, but the Department Head would have the authority to initiate and authorize the contract.

After much discussion between the audience and Council, Commissioner Lambeth suggested not approving something that might be changed in January with the hiring of the Town Administrator. Commissioner Dugan called for the question.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to approve the resolution as presented with the amendment of striking the words “sign” because a Department Head may only approve but not sign a contract and with the addition that the contract may not exceed one year duration. Commissioner Dugan seconded the motion. MOTION APPROVED BY A VOTE OF 3 -1 as follows:

Mayor Fuller, Mayor Pro Tem Montgomery, Commissioner Dugan – affirmative
Commissioner Lambeth – negative

Said resolution is herein incorporated as part of these minutes as attachment D.

Mayor Fuller asked Commissioner Lambeth and resident Gabby Krause to bring suggestions to the next council meeting on purchasing policies for the Town.

PERSONS TO ADDRESS COUNCIL:

None

COMMISSIONERS’ ITEMS:

Mayor Pro Tem Montgomery stated the lines to the new water tower are hooked up and final approval has to be received from the State before being on line

ATTORNEY’S ITEMS:

MAYOR’S ITEMS:

PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION:

CLOSED SESSION:

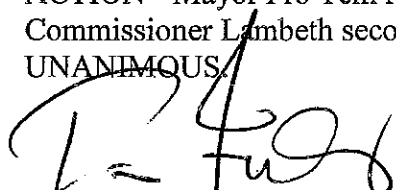
Consultation with attorney –land acquisition

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to go into closed session at 10:55pm for the purpose of attorney consultation regarding land acquisition. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

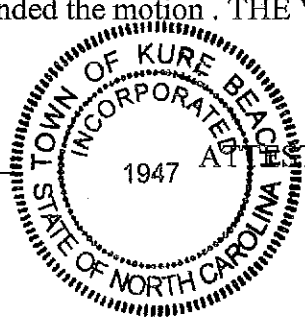
Council returned to open session at 11:20pm.


ADJOURNMENT

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 11:25. Commissioner Lambeth seconded the motion . THE VOTE OF APPROVAL WAS UNANIMOUS.



Tim Fuller, Mayor





Nancy Avery, Town Clerk