

KURE BEACH TOWN COUNCIL
REGULAR MEETING
October 16, 2007
7:30pm

MINUTES

The regular meeting of the Kure Beach Town Council was held on Tuesday, October 16, 2007 at 7:30pm.

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

COUNCIL MEMBERS PRESENT:
Mayor Tim Fuller
Mayor Pro Tem Mac Montgomery
Commissioner Jim Dugan
Commissioner Dean Lambeth

COUNCIL MEMBERS ABSENT:
Commissioner Bill Ufferman

STAFF PRESENT:
Town Clerk Nancy Avery
Building Inspector John Batson
Finance Susan Suggs
Assistant Fire Chief Tom Cannon
Police Dennis Cooper

STAFF ABSENT:
Public Works Sonny Beeker

Town Attorney A. A. Canoutas was in attendance.

Mayor Fuller called the meeting to order at 7:32pm, delivered the invocation and led the audience in the Pledge of Allegiance.

Mayor Fuller explained that Commissioner Ufferman would not be attending the council meeting due to health issues.

ACTION – Commissioner Dugan **MADE THE MOTION** to excuse Commissioner Ufferman from the meeting due to illness. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

RECOGNITION AND AWARDS

Gilbert Alphin presented a framed photo of the article in the Island Gazette about the town's use of an electric beach wheelchair.

Mayor Fuller stated that thanks to the effort of Mr. Alphin and his committee, there is an automated door at the Town Hall entrance.

Chair Alphin recognized the members of the ADA Committee - Fred Tesch, Chuck Keener, Dick Graham, and Ann Brodsky

PERSONS TO ADDRESS COUNCIL

David Duffrin – representing Beachwalk HOA.

Mr. Duffrin stated that there are three DWQ permits that allow storm water runoff to be routed through the Beachwalk storm water system. Beachwalk holds one, Kure Dunes holds one, and the Town holds one. The two not held by Beachwalk cover 40% of the storm water runoff entering the Beachwalk storm water system. Based on recent survey, the Beachwalk HOA has to dredge its ponds to bring them back into compliance with the DWQ permit. Since 40% of the water and sediment is from off site, the HOA considers it appropriate to request that the Town and Kure Dunes contribute their fair share to maintenance costs and is requesting Town officials and Kure Dunes representatives to meet with them to discuss this matter and come to a fair resolution.

ACTION - Mayor Fuller asked Storm water committee chair Eric Vann to have his committee work with Beachwalk on this issue..

APPROVAL OF CONSENT AGENDA

1. Council Minutes: September 18th regular and closed; October 9th public hearing
2. Police Report: September 2007
3. Building Inspector Report: September 2007
4. Fire Report: September 2007
5. Financial Report: September 2007
6. Adoption of purchasing policy and procedures
7. Approval of renewal terms/contract for Cingular/AT&T franchise

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

ADOPTION OF THE AGENDA

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

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

1. Building Inspection Department – no items
2. Finance Department

Finance Officer Suggs reported that:

- the FY06-07 audit is on schedule and will be sent to Raleigh at the end of the month with a report to council at the November meeting
- the county collected 99.4% of ad valorem taxes last year

3. Fire Department

Assistant Fire Chief Tom Cannon stated the hydrant test for the water tower will be starting soon. The purpose is to lower the insurance rate.

Question from the audience:

I did some research and the town is rated as a 7. If we get down to 6, there could be a 25% decrease in insurance rates.

Assistant Fire Chief Cannon replied that we are shooting for a rating of a 5.

Commissioner Dugan said that an outside agency has to inspect and that will occur the first of the year.

4. Police Department

Chief Cooper said that new software will be installed next Monday and invited any one interested to come by and see it. He also stated that speeding and not stopping at stop signs is getting bad on the back streets. An article was included in the newsletter.

Backstreets are us, the folks that live here. People are out walking – slow down. Speed limit and stop signs will be enforced. The town doesn't get a dime out of issued tickets.

5. Public Works Department – no items

6. Admin/Town Clerk – no items

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

1) Town Administrator – no items

2) EOC

Commissioner Dugan stated that Nathan Silos, a former firefighter, joined the marines and was injured in an explosion. He has suffered a brain injury and memory loss – hope to see him home in the next couple of weeks.

3) ADA

Chair Alphin thanked the mayor for the quick movement on installation of the automatic door. He also emphasized that the beach wheelchair is not set up for towing a wagon – no hitch. Chair Alphin was granted permission by Council to “test drive” the beach wheelchair.

4) Beautification

Chair Nelder thanked Richard Himmelstein from the Parks and Recreation Committee for presenting survey results to the committee. He also stated that Mike Blasko had resigned from the committee and he would like to appoint Sandra Hall as member, and Ron Eccleston and Gary Cox as alternates.

ACTION - Mayor Fuller asked Chair Nelder to make consistent signage a priority for his committee.

ACTION - Commissioner Lambeth **MADE THE MOTION** to accept the resignation of Mike Blasko from the Beautification Committee and to appoint Sandra Hall as member, and Ron Eccleston and Gary Cox as alternates. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

Member Candace Clark said the committee received a grant for \$2,240 from the Cape Fear Garden Club for entrance signs. To comply, the Town has to promise it will be maintained. The Town also can't use the red mulch which is already there. The committee requests Council's approval to accept the grant. They want to provide signs with their name on it for the Town to put up at the entry to Kure Beach at Alabama and Ft. Fisher, one at the entrance to Town Hall and at the Police Dept.

Mayor Pro Tem Montgomery asked if the grant include the money to replace the mulch? Member Clark replied yes.

Commissioner Dugan asked if there were foliage requirements?

Member Clark replied yes, requirements were for deer resistant, all indigenous and low maintenance plants.

ACTION - Commissioner Dugan MADE THE MOTION authorizing the Beautification Committee to accept the grant and member Candace Clark to accept the grant on behalf of the Town. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

5) Citizen Protection/Beach Re-nourishment

Chair Barber said the beach clean up was held with 65 volunteers. The committee is writing a beach interest article for the website and reviewing ordinances.

6) Community Center

Member Jean Martin reported the committee met and accepted Pat Holleman's resignation.

ACTION – Commissioner Dugan MADE THE MOTION to accept the resignation of Pat Holleman from the Community Center committee. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

7) KB Marketing Advisory – no report

8) Shoreline Access and Parking (SLAP)

Chair Keener stated we received \$46,000 from CAMA for reimbursement on funds not needed for the Community Center parking lot

Chair Keener said the committee recommends putting two handicapped parking places that are van accessible in the first space south of the pier and one near Big Daddy's which won't be van accessible because there is no walkway beside it. We also recommend adding a loading zone parking place at the pier.

ACTION - Commissioner Dugan MADE THE MOTION to accept the recommendation from SLAP on parking places. Mayor Pro Tem seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

9) Parks & Recreation Advisory

Member Richard Himmelstein said 250 responses were received from the survey. The committee is still tabulating results and will report and make recommendations soon. Tennis, biking, canoeing were high all priorities. Results of the survey haven't been officially released yet.

10) Storm Water

Chair Eric Vann stated the committee had a joint booth with Carolina Beach at the jazz festival as part of the outreach program and they demonstrated a rain barrel that sparked a lot of interest.

11) Board of Adjustment

The clerk reported for Chair Swann that Mark Galizio, alternate member, resigned.

ACTION – Commissioner Dugan MADE THE MOTION to accept the resignation of alternate Mark Galizio from the BOA. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Fuller called for a 10 minutes break at 8:40pm.

Mayor Fuller resumed the meeting at 8:50pm

OLD BUSINESS

1) Bike path – Mike Kirkbride, representing Carolina Beach, and Paul Martinez representing Kure Beach presented a diagram of a proposed bike path from Snow's Cut to Ft. Fisher and asked Council for authorization to approach all stakeholders for access and to authorize them to apply for the DOT planning grant in conjunction with Carolina Beach. The grant was also applied for last year, but was denied.

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to approve the concept of the bike path as presented, and to draft a letter of support from the town for our representative Paul Martinez to approach the agencies involved. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

2) Planning and Zoning (P&Z) recommendations

A) Recommend accepting proposal from Hayes Planning to begin work on tasks with this priority:

- 1) Special use permit process –not conditional use (task II)
- 2) District purpose and uses (task I)
- 3) Parking (task V)
- 4) Hotels/motel (task IV)
- 5) Height (task III)
- 6) Sign (task VI)

ACTION - Commissioner Lambeth MADE THE MOTION to approve the contract with Hayes Planning not to exceed \$8000 to bring the ordinances in compliance with the B1 study w/ priorities as:

- 1) Special use permit process –not conditional use (task II)
- 2) District purpose and uses (task I)
- 3) Parking (task V)
- 4) Hotels/motel (task IV)
- 5) Height (task III)
- 6) Sign (task VI)

Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS . Said contract is herein included as part of these minutes as attachment A.

ACTION - Commissioner Lambeth MADE THE MOTION to approve budget amendment # 4 transferring the funds from the general fund to the P&Z committee line item. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS Said budget amendment is herein included as part of these minutes as attachment B.

B) Recommend Council move forward with a 60 day moratorium on beach clubs with all due haste

Chair Votta stated that P&Z felt that there were no restrictions on beach clubs and requested a moratorium to have time to review the language.

Mayor Fuller stated that Council was concerned about a moratorium because it is complicated and no one is happy with the concept. He explained that homeowners in an association in another time could buy land and construct a beach club in Kure Beach and the town would not get any property tax due to a quirk in State law that says a beach club is considered shared property and tax is included on the cost of each individual homeowner.

Mayor Fuller said that Council would like to amend the ordinances to prevent these type of beach clubs all together and proposed language that state the beach clubs can belong only to HOA's of residences in the town limits.

Language proposed:

That Chapter 19, Zoning, Article I, Section 19-1, Definitions, of the Code of Ordinances for the Town of Kure Beach is hereby amended by adding the following bolded language:

Section 19-1 Definitions

Common areas and facilities shall mean those areas of a housing project and of a property upon which it is located **within the jurisdiction of this ordinance** that are for the use and enjoyment of the owner of family units located in the project. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, and community facilities. **Community facilities are non-commercial recreational facilities such as a club hours, swimming pool, tennis court or beach access for the use and enjoyment of the owners of family units located in the project.**

Chair Votta stated P&Z didn't want to do a moratorium, but thought it was needed to buy time to revise the ordinance. Mayor Fuller asked how he thought P&Z wanted to proceed.

ACTION - Commissioner Lambeth MADE THE MOTION to schedule a joint work session with P&Z on Oct. 30th at 6:30pm and a public hearing at 7pm
Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3) Recommend amendment to the ordinance regarding fence height
Building Inspector Batson stated the current ordinance is ambiguous and hard to interpret, so this amendment will clarify.

Proposed Amendment

That Chapter 5, Buildings and Building Regulations, Article VII, Fences, Section 5-141, item D of the Code of Ordinances for the Town of Kure Beach, North Carolina is hereby amended as follows:

The existing exemption section titled Item D will be moved to become item E:

Item D will be change to read:

“Fences further than (5) feet of the side lines of property, or ten (10) feet of the rear of the owner's property line shall not exceed 6 ft in height”

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to amend the ordinance regarding fence height as proposed with no changes. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4) Recommend amending Chapter 19, Article IV, minimum parking requirements
Public hearing was held October 9th, 2007.

Proposed Amendment

That article IV supplemental district regulations be modified as follows:

19-339 Minimum parking requirements

1) Table item 1 (single family) currently reads

“Two (2) parking spaces on the same lot for each dwelling unit”

Change to read

“2 parking spaces for up to three bedrooms and 1 additional parking space for each bedroom thereafter”

2) Table item 2 (multi-family) currently reads

“Two (2) spaces per each type of multi-family units (e.g. apartments, town houses, condominium), dwelling unit of which one (1.0) space per each two cars per unit must be unobstructed. One (1) additional parking space for each bedroom over four (4) per dwelling unit”

Change to read:

“Two (2) parking spaces for up to two bedrooms and 1 additional parking space for each bedroom thereafter per unit”

19-331 Density control requirements for residential units

Add the following paragraph

“A bedroom is defined as any room 10’x10’ or larger, having a closet, and at the discretion of the Building Inspector”

ARTICLE I. IN GENERAL

Sec. 19-1. Definitions

Add the following definition for “bedroom”

“A bedroom is defined as any room 10’x10’ or larger, having a closet, and at the discretion of the Building Inspector”

Commissioner Lambeth stated the amendment will allow more control of density of private homes and addresses density for multi-family units. Chair Votta stated that P&Z tried other methods to control density, but felt this was the best way.

Attorney Canoutas stated the phrase “at the discretion of the Building Inspector” allows the Building Inspector to legislate. It needs more specific language that gives a basis for his decision. I recommend deleting “and at the discretion of the Building Inspector”. We can amend later.

ACTION - Commissioner Dugan MADE THE MOTION to approve the amendment to the ordinance re parking with one change: remove the language “and at the discretion of the Building Inspector”. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS .

Said amendment to read:

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ARTICLE I. IN GENERAL

Sec. 19-1. Definitions

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“A bedroom is defined as any room 10’x10’ or larger, having a closet.”

Consensus – P&Z and attorney to come up with language to give the Building Inspector more control.

5) Proposed amendment to CAMA Land Use Plan – Resolution R07-13

Public hearing held October 16, 2007. Mayor Fuller read resolution R07-13 and informed those in attendance that they may submit support or concerns in writing up to 15 business days prior to the Coastal Resource Commission meeting scheduled for November 29 – 30th, 2007 care of:

Mr. Jim Gregson

CRC Director

400 Commerce Avenue

Morehead City, NC 28557

Proposed amendment

Part 2 - Plan for the Future, Section 2 - Policies for Growth and Development

Item F - Local Areas of Concern Goal, Discussion and Policies

Section 77 - Commercial Development Desired for the Business District

(page 120 of the plan)

Proposed amendment deletes items “d” and “g” from section 77 that read as follows:

d. It is Kure Beach town policy to protect the commercial/business district so as to provide continuing opportunities for “downtown” commercial development. The Town of Kure Beach policy is to allow mixed use development in the commercial district. Any residential use in the commercial center will be subordinate to a commercial use.

g. Kure Beach policy is to restrict the encroachment of residential-only site use into preexisting established commercial areas.

Mayor Pro Tem Montgomery stated:

I have expressed concern over passing this amendment over the past three or four months. I admit I have been the one to question this, as to why and where we are going. I have done a great deal of research about this. Since I was lectured tonight on my responsibilities as a candidate for mayor, and I am not the mayor contrary to popular

belief by some parties, I would like to say I feel quite comfortable that simply amending the Land Use Plan at this time will not in fact guarantee that Nathan Sanders and SF Holding will be allowed to build single family homes at 105 Atlantic Avenue anytime in the immediate near future. If this is passed by CRC in November, and adopted by the federal government, CAMA permits issued will be voided and Nathan Sanders will be required to start over again. Secondly, I feel the Town's action in employing a professional planner to work with P&Z and with our efforts to fund a B1 study program, which was unanimously supported by the business community, Council has taken steps to ensure that we are in fact encouraging and enhancing the business community. I want to encourage restaurants, and business and I do not want that to go away. Finally, I value the center of Kure Beach and feel it is central to this town. I think this Council feels strongly enough about keeping the pier in business, that if it were in jeopardy, we would take fiscal action to save the pier and put it in the public hands immediately. And I think the people in this town would support this. It is my conviction that this will in no way undermine our commitment or my personal commitment to that and I intend to vote in full support of this amendment.

Commissioner Dugan stated:

The Land Use Plan is a strategic instrument, a big picture item for a pathway that we want to travel down. It has to be okay with the state. The state has found a problem with a portion of it and has taken us to court over it. The ordinances we use are the technical part on how to operate day to day. Once we are done with how this vote turns out, P&Z has been instructed to take steps to tighten up the language to strengthen the B1 building requirements. Everytime I have publicly stated a position, I state that I want a business district. I am not happy with what happened, but as Attorney Bell said, there are legal options available to everybody, as a developer, council or single family homeowner, such as Board Of Adjustment or Court of Appeals and this amendment will not take those options away. There is no guarantee whatever we do that someone isn't going to run us through the wringer like we have been for the last year and a half or so. Speaking for myself and in conversations with other members of council, and the way we have spoken in public meetings, we want a viable downtown and want to do anything we can to help the business owners make a decent living. I personally am tired of fighting with the state over rearranging deck chairs on the Titanic. Get the state off our back, and then we can start to hammer out language that will be our first line of defense for who can build what where. That is why I am going to vote for the changes.

Commissioner Lambeth stated:

On several occasions, myself, Ken Buchert, the mayor, and the mayor pro tem have met with CAMA, adopted language CAMA said they would approve, then later on they would find some flaw with it, and at the last meeting we said we required a representative of the State Attorney General's office to be present. The State Attorney General's office is who is going to sue the town. I can take on some big opponents, but when you're fighting someone using your own tax money to fight you, it is a waste of time and tax money to fight. This is a fight that I don't think we can win. We have to amend the Land Use Plan. The last meeting with CAMA and the State Attorney General's representative lasted four hours. CAMA has finally said they will be happy and not take us to court if

we delete two sentences. There was a public hearing tonight, there was some discussion particularly aimed at the current mayor and a lot of weight put on the future mayor and a lot of it was documentation that's not there, saying we don't want to maintain the business district. This council and this mayor have bent over backwards to help the business district. We have eased parking restrictions. The first addition to any building down there took place under this administration and the business owners know that. We have pressure washed the sidewalks and put in new trash cans. P&Z has taken on the first part of our B1 renovation, and we have already heard that the business owners are going to oppose that. It's been said that if we amend the Land Use Plan, the business district will go into decay. It's already in decay – we are trying to save what we can of the B1 district

This in no way means Nathan Sanders is going to be allowed to build single family residences there- he has to surrender the CAMA permits first. I personally am ready to amend the Land Use Plan.

Alan Votta, chairman of the Planning & Zoning Commission, stated that what bothers him the most is that he keeps hearing P&Z is going to strengthen the ordinances – why don't we do that first and then amend the Land Use Plan?

Mayor Fuller stated that the state has legal action pending against the town. The assistant Attorney General agreed to file a stay to give us time to amend the Land Use Plan. If we don't, they will proceed with legal action.

Chair Votta replied that we are almost there with the ordinances. That's the first thing on our agenda.

Mayor Fuller stated that we don't think amending the Land Use Plan will change a lot on the ground, but will satisfy a technicality with CAMA.

Mayor Pro Tem Montgomery stated that the CRC won't see the amendment until November 26th. It still has to be approved by CRC, so it will be awhile before the CRC approves.

Mayor Fuller stated:

This has turned into a far more contentious and personal issue than it should have from the get go. I thank Bill, Jim, Dean and Mac (council members) for their effort. We have been working on this since June of 2006. We talked with the town attorney and outside attorneys. We have done as much research and due diligence as we could. Council has gone back and forth on this but managed to get a consensus and keep moving. We didn't like this process and when CAMA first came to us with this, we drafted a four page letter telling them they were wrong, that this plan covered the eventualities we were dealing with and we didn't want to put language in the Land Use Plan that explicitly allowed single family homes in the B1 district. We worked on that issue for months, until a meeting held earlier this year where we were able to convince them to allow us to take out language, not add language.

The most frustrating thing for me through out this process is that we have been unable to educate people about the issues here. I consider that a personal failing on my part. I have tried to explain it everyway that I can. But still people came here tonight and said this was going to gut the B1. If you read the Land Use Plan in its entirety, you will see that deleting these two items is small potatoes in the overall scheme of what the plan says about the business district. The cited paragraphs are in a minor, insignificant section of the plan. I think that is because the people most upset about this amendment have not read the Land Use Plan in its entirety. We argued and argued with CAMA. On the other side, people are questioning why do this? Because, there is a property owner that wants to do something with his property. And he has followed all the rules, jumped through every hoop, taken every step, filed every appeal that the law allows. Earlier this evening, that process was criticized as being insensible. But it is in fact, the process dictated by the statutes of the State of North Carolina. It is not our process, but state law, to allow that gentleman his rights as a property owner. He has done everything the law requires. He went to our BOA and got a hardship variance. Under law, when our Board Of Adjustment granted him a variance, the Town had an obligation to uphold the decision. BOA was criticized and characterized as uninformed amateurs and I resent this. They are citizens just like all of us in this room and the four of us sitting up here. They are entrusted with a civic responsibility, just like we are. We have taken pains to bring in professionals to assist the BOA and to educate and train them to do their job. When they reach a decision it is the same as if a jury of your peers reached a decision. If you think that is amateurish and uninformed, then you must not have much respect for the system our society is based on. I think those folks did a find job. Their decision was upheld by the superior court. The court said the BOA reached a conclusion that was sound as to the law and the facts. I resent the people that criticized them (BOA) because the decision was different from what they wanted

One of the comments earlier was also made that the town is going to fold in face of a lawsuit. We aren't folding in the face of one lawsuit, there have been many lawsuits. I feel like we have done the best that we can for this town. I am not happy about having to do this. We have spent a lot of your money in legal fees. We have done the best we can to work through this murky and difficult situation. We're not happy with having to do this, we're not happy with the possibility that houses may be built on that land. We have done the best we can by this town. We do so with clear consciences.

One final issue I'd like to address is the future of the B1 district. There are a lot of challenges in the B1 district. We have spent \$40,000 on a study of the B1 and another \$8,000 tonight. Some people here tonight say the only thing we have to do to save the B1 is to forbid those houses to be built. They think if we forbid houses, that successful businesses will build up there. That isn't true. What will happen is what you see down there now.

Our choice is not between residential homes and successful buildings. We have derelict buildings and lots with weeds on them down there now that I am embarrassed about. It is

not as easy as it seems. It's not a clear choice and we don't have unlimited control to dictate.

People who stand up here and say we need good businesses in the B1 can certainly make an offer to buy the property and put a business and if it was such a wonderful investment, you have to wonder why they didn't step forward at that point in time. The Town has been faced with a difficult dilemma. None of us would vote for this if we felt it was the death of the business district. I think the opposite is true that because we have put this much effort into it, we have started the B1 on the road to recovery.

ACTION - Commissioner Lambeth **MADE THE MOTION** to approve resolution R07-13 as read with no changes. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said resolution R07-13 is herein included as part of these minutes as attachment C.

NEW BUSINESS

None

PERSONS TO ADDRESS COUNCIL

Gilbert Alphin said he has heard Council talk about TDA revenues growing, but he thinks inflation is not taken into consideration. He is counting on Council to continue marketing Kure Beach and monitoring costs.

COMMISSIONERS' ITEMS:

Commissioner Dugan – none

Commissioner Lambeth – none

Mayor Pro Tem Montgomery – I encourage everyone to vote, regardless of who you vote for.

ATTORNEY'S ITEMS

None

MAYOR'S ITEMS

None

PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION

None

CLOSED SESSION - Consultation with attorney regarding land acquisition

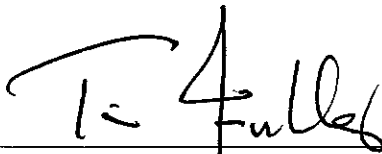
ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to go into closed session at 10:30pm for the purpose of a consultation with the attorney regarding land acquisition. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to return to open session at 11:40pm. Commissioner Dugan seconded the motion THE VOTE OF APPROVAL WAS UNANIMOUS

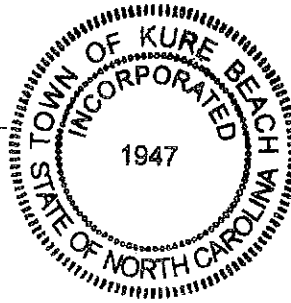
ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to schedule a public hearing for October 30th at 7:30pm for the purpose of giving notice of intent to finance acquisition of one of two real properties not to exceed \$4,000,000. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ADJOURNMENT

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 11:45pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor



ATTEST:



Nancy Avery, Town Clerk