



KURE BEACH TOWN COUNCIL  
REGULAR MEETING  
November 20, 2007  
7:30pm

## MINUTES

The regular meeting of the Kure Beach Town Council was held on Tuesday, November 20, 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  
Finance                    Susan Suggs  
Fire Chief                Harold Heglar  
Police                      Dennis Cooper  
Public Works             Sonny Beeker

**STAFF ABSENT:**  
Building Inspector    John Batson

Town Attorney A. A. Canoutas was in attendance.

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

**PERSONS TO ADDRESS COUNCIL:**

1. Charles Allo, resident, stated:

- that what the Town was about to do in purchasing the Rolling Surf property for \$3.6 million when it was bought for \$2.4 million was deplorable.
- why spend the money at those prices when the economy is the way it is and this is the most speculated beach property in the county
- that it will cost the Town to clear, develop and maintain restrooms, gazebo and parking lot and there will be additional cost with financing the purchase.
- Council needs to give serious consideration when spending tax payer money and when I say tax payer I mean money for state, federal, etc. (tape) – additional cost in financing with interest.
- The Council should not be looking to bail out speculators

- the Town has allowed infractions to ordinance to help developers

2. Chip Dodd, Waste Management Recycling commented:

- Waste Management provides recycling services for the Town.
- we have great a commitment to protect the environment
- we have a huge investment and consider recycling a core business that is becoming more and more important
- there are three pieces to the Kure Beach recycling program: home pick up, carts and recycling center.
- a new state law goes into effect January 1 2008 that impacts businesses with ABC permits and will focus on recycling of bottles and cans

**RECOGNITION AND AWARDS:**

None

**APPROVAL OF CONSENT AGENDA**

1. Council minutes:10/16/07 regular, public hearing and closed, 10/30/07 work session and public hearing
2. Police Report: October 2007
3. Building Inspector Report: October 2007
4. Fire Report: October 2007
5. Financial Report: October 2007
6. Admin/Clerk Report: October 2007
7. Contract with NHCO – tax refund research
8. Adopt resolution R07-18 – grant application for bike path planning

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**

ACTION – MPT MADE THE MOTION to approve the agenda with the following three additions:

Old business --add item # 2 - Resolution R07-19 Water Resources request for grant assistance-park

New Business – add item # 4 - funding request for the Help Center at Federal Point

New Business – add item # 5 – acceptance of resignation of Barry Nelder on Beautification Committee.

Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Pro Tem Montgomery stated that the Town was applying for a planning grant for a bicycle path in conjunction with Carolina Beach and requested the Chief of Police to provide a letter of support for the grant application.

**ACTION – Mayor Pro Tem Montgomery MADE THE MOTION for the Chief of Police to write a letter of support for the bicycle planning grant. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS**

**DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL**

None

**COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL**

1) BOA chair Betty Swann stated:

- board members reviewed applications of both Peter Boulter and Linda Cheshire and would like Council to appoint them as alternates
- this would mean changing the number of alternates from two to three
- the board would like Council to approve another training session with Council Of Government in January 2008.

**ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to increase the number of alternates from 2 to 3. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS**

**ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to appoint Peter Boulter and Linda Cheshire to the BOA as alternates. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS**

**ACTION - Mayor Pro Tem Montgomery MADE THE MOTION for the clerk to contact Council Of Government to arrange for training for all members and alternates in January or as soon as possible. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS**

2) New Hanover County Human Relations Commission member Marilyn Youngbluth stated:

- the County is offering a free drug prescription card with a 20% discount on any prescription not covered by insurance.
- the card is accepted at every drug store and pharmacy in Wilmington
- the Town has volunteered to be a source for the cards and she requests notice to be put in the newsletter and on the website
- the card even includes prescriptions for pets if available at retail pharmacies
- the card is offered through the National Association of Counties
- the Committee is working on an 1898 memorial, a drug program, and a human relations month in February of 2008

3) Town Administrator chair Jim Vatr stated:

- 34 applications have been reviewed– many were qualified for the position
- 8 were interviewed
- 3 finalists

- recommending Nov. 28<sup>th</sup> scheduled workshop to announce candidates and private interview with Council
- all resumes/applications, scoring sheets and analysis are available in Town Hall for Council to view
- he provided the blue print to establish additional office as requested which calls for moving only one employee

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to schedule a work shop for November 28<sup>th</sup>, 2007 at 5pm to interview candidates. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4) EOC: no items per Commissioner Dugan

5) ADA Committee Chair Gilbert Alphin stated:

- he thanked Public Works for lowering and relocating the billing box
- the committee would like to add another position from 4 to 5 members and advertise
- his committee proposes using white OSHA approved paint with black zebra stripes to mark all areas with a non conforming slope

Commissioner Lambeth stated there were about 154 areas on Fort Fisher alone that would be painted and this would be to help prevent people from falling.

ACTION - Commissioner Dugan MADE THE MOTION to direct the clerk to advertise and receive applications for ADA committee member. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – consensus of Council – the Building Inspector and Public Works Director to look at engineer drawings and put a price tag on cost and bring to the December council meeting.

6) Beautification: Chairman Barry Nelder stated:

- he submitted his resignation
- Ken Withrow was elected chair and Candace Clark elected co chair
- Sandra Hall is heading up a sign sub committee
- Sawyer Architects to have a revised plan for the Atlantic Avenue boardwalk ready for the Town and CAMA next week
- Parks and Recreation committee is working on scheduling a work shop to get ideas for the Sandman green space

7) Citizen Protection/Beach re-nourishment Chairman Tom Barber stated:

- the beach is in better shape with sand than a year ago
- he attended the Beach Inlet and Waterway convention in Carolina Beach
- the committee is reviewing ordinances and will make recommendations in February 2007

8) Community Center Chair Francis Regan stated:

- the committee requests Council appoint Linda Newton to fill a vacancy
- the committee requests Council re-appoint Anne "Jerry" Smith and Helen Wilson to another term

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to appoint Linda Newton, Jerry Smith and Helen Wilson to the Community Center Committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9) KB Marketing Advisory Member Anne Brodsky stated:

- the committee is working on a survey for business owners to ascertain zip codes of visitors

10) Shoreline Access and Parking: no report

11) Parks & Recreation Advisory Chair Bob Fitzsimons stated:

- his committee finished compiling results from the July/August 2007 survey and he presented stats to Council and the audience
- the survey was sent out to 1750 households and 250 were returned
- biking, hiking, tennis, gymnastics, fishing, canoeing were the most popular responses
- tennis was high on the list of requested items and he provided estimated costs to provide classes
- the committee suggests offering classes in tennis instructions and work in partnership with the Air Force Recreation area for kayaking and canoeing classes
- the cost of classes could be recovered by enrollment fees
- survey has given good indication of what the community is interested in
- biking and walking paths are wanted
- a significant number of people didn't know where the Sandman property was located or what it was for
- the Christmas Show was the most popular item listed for special events

Mayor Pro Tem Montgomery asked the committee to contact NC Aquarium Director Donna Moffitt or the Director of the Ft. Fisher Recreation area, since both have indicated a desire to reach out with their existing programs.

Said survey is herein incorporated as part of these minutes as attachment A.

12) Storm water: no report

Mayor Fuller called for a 10 minutes recess at 9:05pm

Mayor Fuller resumed the meeting at 9:15pm.

### **OLD BUSINESS**

1) Planning & Zoning (P&Z) recommendations from November meeting  
Chair Alan Votta stated the commission recommends the following:

a) Approve proposed language on special use permit and B-1 permitted uses

Mayor Pro Tem Montgomery asked if this gives P&Z the tools it needs to proceed with the B1 improvements. Chairman Votta responded that it would help because right now there is no way to review and approve what happens in the B1 district. This would give criteria.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION for P&Z to continue exploring special use permits and remove the reference to “anchored by Kure Beach pier” in proposed 19-242 ordinance language. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said proposed language on special use permit and B-1 permitted uses herein incorporated in these minutes as attachment B

b) Approve proposed amendment to Code of Ordinances (public hearing held 11/20/07) 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 house, swimming pool, tennis court or beach access for the exclusive use and enjoyment of the owners of family units located in the project.**

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to approve the proposed amendment to Chapter 19, Zoning, Article I, Section 19-1, Definitions, of the Code of Ordinances by adding the following bolded language to Section 19-1 Definitions THE VOTE OF APPROVAL WAS UNANIMOUS. Said amendment is herein incorporated as part of these minutes as attachment C.

2) Update on land acquisition (Rolling Surf property)

Mayor Pro Tem Montgomery stated:

- the Town has a standing offer to purchase land at 105 Atlantic Avenue for \$3.6 million with a closing date of December 21, 2007
- Council commitment is to raise 75% of purchase price in grant funds
- Verbal commitments received to date are: CAMA \$400,000, NC Parks & Recreation Trust Fund \$500,000, Clean Water Mgmt Trust Fund \$750,000 and we are exploring grant possibilities with Wildlife Resource Commission, Water Resources, New Hanover County, and FEMA
- He estimates between \$2.9 and \$3.1 million will be obtained through grant funding

3) R07-19 – Resolution requesting financial assistance in the amount of \$300,000 from the Division of Water Resources

ACTION - Commissioner Dugan MADE THE MOTION to approve resolution R07-19 requesting financial assistance in the amount of \$300,000 from the Division of Water Resources as presented. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

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

**NEW BUSINESS:**

1) Consideration of proclamation P07-01 naming new Emergency Operations Center annex in honor of Mayor Betty Medlin.

ACTION - Commissioner Dugan MADE THE MOTION to approve the proclamation and direct the clerk to send copy to Mayor Medlin's family. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Pro Tem Montgomery stated that this brought to mind many citizens that have served the Town that haven't been recognized and remembered by the Town. He said he thinks Council should make it a goal to have a way to recognize these citizens.

2) Mandatory water conservation

Public Works Director Beeker stated:

- the Town isn't at a point where we need to go to mandatory water conservation yet.
- the Town is currently under Stage I voluntary conservation
- the Town has an ordinance for stage II mandatory conservation that gets into a lot more restrictions.
- water usage has gone down
- the biggest issue with water in the state is for those pulling from surface water reservoirs such as ponds and lakes
- Kure Beach is in a good place with conservation

Mayor Pro Tem Montgomery suggested Director Beeker put a notice in the January newsletter about changing sprinkler timing.

3) 2007 Kure Beach Fantasy Christmas Show

ACTION - Commissioner Lambeth MADE THE MOTION to request and appropriate up to \$2,200 from TDA funds for expenses related to providing the Fantasy Christmas Show as a line item in the Town budget. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4) Funding request – Help Center at Federal Point

ACTION –Mayor Pro Tem Montgomery MADE THE MOTION to appropriate \$750 to the Help Center at Federal Point. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

5) Resignation of Barry Nelder from Beautification Committee.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to accept the resignation of Barry Nelder from the Beautification Committee. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**PERSONS TO ADDRESS COUNCIL:**

Gilbert Alphin, resident, stated that the proclamation for former Mayor Betty Medlin was done too fast and Council should have asked for public input.

**COMMISSIONERS' ITEMS:** Happy Thanksgiving from all council members. Mayor Pro Tem Montgomery stated an organizational meeting must be held in December 2007.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to schedule a work session for the Town Council organizational meeting for Tuesday, December 11, 2007 at 5pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**ATTORNEY'S ITEMS:** no items

**MAYOR'S ITEMS:** no items

**PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION:**

No items

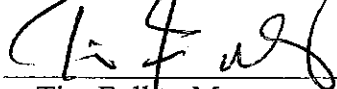
**CLOSED SESSION:** personnel matter

ACTION – Commissioner Dugan MADE THE MOTION to go into closed session for the purpose of discussing a personnel matter at 10:27 pm to include Barry Nelder and Jim Vattr. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION - Mayor Pro Tem Montgomery MADE THE MOTION to return to open session at 11:17pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Fuller stated that no decision was made in closed session

ACTION – Commissioner Dugan MADE THE MOTION to continue the meeting to November 28<sup>th</sup>, 2007 at 5pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

  
\_\_\_\_\_  
Tim Fuller, Mayor

ATTEST:  
  
\_\_\_\_\_  
Nancy Avery, Town Clerk

