

**KURE BEACH TOWN COUNCIL**

**REGULAR MEETING**

**JANUARY 17, 2006**

**CALL TO ORDER**

Mayor Fuller called the regular monthly meeting of the Kure Beach Town Council to order welcoming everyone to the meeting, special welcome to former Mayor Betty Medlin.

**INVOCATION**

Invocation lead by Rev. Paul Christ of the Kure Memorial Lutheran Church.

**PLEDGE OF ALLEGIANCE**

Following the invocation Mayor Fuller requested that all rise for the Pledge of Allegiance to the Flag.

**PERSONS**

Mayor Fuller requested that persons wishing to speak, to please come forward to the podium to speak. Persons wishing to speak will be given the opportunity to do so later as noted on the agenda. Also, please limit comments to two minutes and sign in prior to speaking.

**Recognition and Award**

Mayor Fuller noted the first recognition tonight is to the New Hanover County Human Relations Commission represented here tonight by Rev. Paul Christ of the Kure Memorial Lutheran Church, Kure Beach representative on the Commission. Ms. Linda Moore, Public Relations Specialist for the Commission, she expressed appreciation to Council for appointing Rev. Christ as the Kure Beach representative on the Commission. She invited everyone to participate in Human Relations Month activities throughout the month of February. Awards banquet on Feb. 25 UNCW-----

Rev. Christ noted they were attending the meeting tonight to receive the Proclamation proclaiming February as Human Relations Month. He expressed appreciation for the opportunity to serve and represent Kure Beach on this Commission. He encouraged everyone to access their web-site relative to upcoming events. Rev. Christ read aloud the Proclamation noting the theme for Human Relations month is "Hand in Hand Together We Can". (copy attached).

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

**Motion by Comm. Ufferman and seconded by Comm. Dugan to approve the Proclamation. Motion approved.**

Mayor Fuller expressed appreciation to Rev. Christ and Ms. Moore for their attendance to the meeting.

Police Recognition—MADD Plaque Presentation to Officer Ed Palmeter

Mayor Fuller requested Chief Cooper come forward to address this item.

Police Chief Cooper noted that earlier this year the department began raising awareness against drunken drivers in New Hanover County—on November 30 recognition dinner was held for outstanding work by area law enforcement officers..... Numerous law enforcement personnel as well as officials from other areas, District Court Judges, Superior Court Judges, District Attorney and several persons from Raleigh. Officers were invited as they had demonstrated an extra ordinary commitment on arresting drunk drivers. Each officer was recognized along with his department head and their perspective elected official.

Chief Cooper mentioned that he was proud and honored to announce that Kure Beach Police Officer Ed Palmeter was called and was awarded/presented a plaque by his fellow officers for his work.

Chief Cooper expressed appreciation for the work that Officer Palmeter does every day for the Town.....He requested Ed Palmeter come forward to receive the plaque (audience applauded).

Chief Cooper also thanked Officers Soggie and Cummings for attending the presentation. (audience applauded).

**PERSONS TO ADDRESS COUNCIL**

Mr. Duke Hagistrom, Treasurer of the Pleasure Island Chamber of Commerce

Mr. Hagistrom expressed appreciation for the opportunity to address Council. Purpose of his visit tonight is a request from the Pleasure Island Chamber of Commerce for money from the Room Occupancy Tax funds. He read aloud a portion of his letter of request for ROT funds to continue to support Chamber initiatives.....(copy of letter attached) Funds requested for 2006 in the amount of \$2,000.00.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mr. Hagistrom thanked Council for the opportunity to present the Chamber of Commerce request.

Comm. Montgomery mentioned that this Friday, the local TDA will be meeting and he felt this request should be reviewed and considered.

Mayor Fuller noted this can be put in the “hopper” for this year’s budget process and also as Helen (Wilson) is here, this can be referred to the TDA Committee.

Comm. Ufferman noted that he would like for this to be considered.

Mayor Fuller mentioned that ROT funding of projects must be approval by the New Hanover County TDA.

Mr. Hagistrom mentioned that the Town of Carolina Beach has provided similar support in the past.

Project Update—Mr. David Criser

Mayor Fuller noted that Mr. David Criser, of Criser Troutman and Tanner, serves as engineer for the Town and he will be giving an update of several projects in progress in Kure Beach.

Water Tank Project—Contracts are back and have been sent to Kure Beach for signatures. As soon as this is completed and returned to his office, they will be sent to the contractor and a pre-construction meeting for construction of the tank scheduled.

Another portion of the project is the new well house—the well was completed in December and plans for the well house have been finalized and hopes to be able to set this up to receive bids February or March.

Sewer Rehab Project—Bid opening was scheduled to be held late December—not enough bids received—we re-advertised and our second opening is this Friday (Jan. 20) at 2 p.m. We should be able to submit recommendation on those bids to Council next week.

Mayor Fuller requested Mr. Crier explain what this project encompasses.

Mr. Criser noted the sewer rehab project is in the older part of Town—Third, Fourth, Fifth, Sixth—K to E Avenues—project consists of cleaning the sewer lines, line them and

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

re-connect each sewer service from the main line to the property line with new pipe—once this project is complete, he mentioned that they are also bidding out the re-surfacing of those streets. There is a 90 day construction period on the sewer portion and 30 to 60 days on the paving. They hope to be finished mid to late May if everything goes well.

Mayor Pro Tem Montgomery asked if on the first bid opening were there not enough bids to open.

Mr. Criser noted that they have tired several times, called several contractors, etc., and all have indicated they were so busy they could not take additional work. He mentioned that several contractors have voiced this—they just don't have time to do it.

Mayor Pro Tem Montgomery asked if we are expanding our base to try to reach other contractors in.....Construction industry in New Hanover County is not slowing down.

In additional discussion/comments, Mr. Criser noted he could advertise in the Raleigh area.

Comm. Lambeth noted that he and Mr. Criser have discussed this before and he asked Mr. Criser the cost of advertising this in National Dodge Bulletin.

Mr. Criser noted he was not sure of the cost.

Comm. Lambeth asked if he could check into the cost of advertising in the Dodge Bulletin and let Frankie know—use this as an avenue to get competitive bids.

Mr. Criser asked if Council does not want him to conduct the bid opening this Friday if there are enough bids. He suggested proceeding to hold the bid opening—if the bid results are not good—go for another round of advertisements. This is his recommendation.

During additional comments/discussion, Mr. Criser mentioned that the contractors he talked with indicated they are too busy and also some are no longer doing public work as there is so much private work.....

Mayor Fuller noted that in light of the fact that we are already expecting bids on Friday, that we would wait and see what we get Friday—then make a decision to accept or deny the bids. If everyone agrees—we will wait and see what happens at the bid opening.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

New Garage Building

Mr. Criser noted this building project is on-going and they (Criser, Troutman and Tanner) are on call as need basis from Sonny.

Mayor Fuller thanked Mr. Criser for the update.

Approval of the Consent Agenda

Mayor Fuller noted the consent agenda consists of the routine things: minutes of the previous meetings—the monthly reports from the various Town Departments and Committee Reports, (posted for review) and asked if there is a motion to approve the consent agenda.

**Motion by Comm. Lambeth and seconded by Comm. Dugan to approve the consent agenda. Motion approved.**

Adoption of the Agenda

Mayor Fuller asked if Council had any changes, corrections.

Comm. Ufferman requested a closed session just before going into the Old Business. Reason for closed session is for personnel and should only take a short time.

Mayor Pro Tem Montgomery requested to add an item under Old Business—Vacancy on the Shoreline Access and Parking Committee.

Mayor Fuller suggested adding this under New Business with the other committee appointments.

There being no additional changes, **motion by Comm. Ufferman and seconded by Mayor Pro Tem Montgomery to adopt the agenda as amended. Motion approved.**

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

Town Clerk—no item.

Public Works Director—no item.

Building Inspector—no item.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Police Chief advised Council that the Governor's Highway Safety Program grant cycle is underway. He is not sure at this point what he will be requesting—the pre-application is due end of March. Basically the grant is 75/25.....Information should be forthcoming in the next three weeks.

Police Chief Cooper noted his second item is a memo from the Shoreline Access & Parking Committee in reference to the parking signage which was submitted to Council earlier and the last page of the memo was submitted by Peter Russo.

Mayor Fuller asked if Mr. Ruso would explain briefly what they are recommending.

Mr. Russo noted that the reason for the recommendation is that the committee had a discussion relative to the demands of parking in the downtown areas and it seems that a lot of the parking is being under utilized as the beach access sites with parking available are not being used in the evening by people trying to get to the business establishments downtown. He reviewed the "Signage Proposal for Public Parking" (copy attached) explaining how the committee had arrived at these proposals noting that the committee was working towards utilizing the parking that we do already have—cost of the additional signage is estimated to be \$600.00.

Referencing the "sandwich sign" proposal #4, Comm. Dugan asked if the sign would only be used on weekends.

Mr. Russo noted weekends and holidays is when the sign would be up. The committee felt that public works personnel who clean up the downtown area could put the sign out say on Saturday morning and take it in on Monday morning.

Mayor Fuller mentioned that at the Monday morning staff meeting Mr. Beeker said that as his guys were doing Saturday morning garbage collection this would not be a hardship putting up the sign.

Comm. Dugan asked if this item is for discussion or to take action.

Mayor Fuller noted whatever Council wishes.

Mr. Russo mentioned that this is a recommendation in the Shoreline Access Plan.

Mayor Pro Tem Montgomery asked if signage is under the coordination of the Police Department not to actually do it but for review and approval.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Chief Cooper noted certain signs, i.e., stop signs, parking places, etc., yes, but this type proposal goes to Council.

Fire Chief—Mayor Fuller mentioned that Fire Chief Heglar was unable to be here tonight due to a training session he is attending tonight

Comm. Dugan, Police Department and Fire Department liaison, noted that the Fire Department is undergoing mandatory drivers training right now and you are only allowed to miss 1 ½ hours of the total session in order to receive credit.

### **OLD BUSINESS**

Mayor Fuller noted that Comm. Ufferman has requested a closed session.

**Motion by Comm. Ufferman to go into closed session for the purpose of personnel. Motion seconded by Comm. Dugan. Motion approved.**

### Closed Session

### Meeting Reconvened

Following the closed session, Mayor Fuller recalled the meeting back in session following the discussion of personnel arrangements and appointments within the existing Town staff noting Comm. Ufferman will make a motion pursuant to that discussion.

**Comm. Ufferman noted per State Regulation 159-24 he would like to appoint Susan Suggs as the Town of Kure Beach Finance Officer and Budget Officer effective 8:30 p.m. January 17, 2006 with a pay increase of 5%. Motion seconded by Comm. Lambeth. Motion approved.**

### Banking Resolutions—Comm. Ufferman and Finance Officer Suggs

Finance Officer Suggs noted that she had three resolutions; first one establishes a Cash Management Policy and designating a Central Depository. She noted she could read the resolution but it is a basic resolution establishing what the Town should do and also names BB & T at Carolina Beach as our official depository.

Resolution Establishing a Cash Management Policy and Designating a Central Depository--Branch, Banking & Trust in Carolina Beach, North Carolina—motion by

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

**Comm. Ufferman to accept the Cash Management Policy and designate BB & T as the Central Depository. Motion seconded by Comm. Lambeth. Motion approved.**

Second Resolution is a basic BB & T Resolution and Agreement for deposit accounts and establishes them as the depository. She mentioned that Attorney Canoutas may have not had time to review (Resolution submitted to Attorney for review). Ms. Suggs mentioned that the third resolution is a Resolution approving financing terms for 3 vehicles which were approved at the last meeting. Resolution needs to be in place before we obtain the loan.

Mayor Fuller noted that the financing term was approved at the last meeting for the \$89,000 to finance the vehicles that have already been purchased.

(Ms. Suggs noted the rate is 3.97%).

**Mayor Fuller restated the resolution before the Town is to approve financing terms for previously approved financing of three vehicles through BB & T. Motion and second—motion approved.**

Relative to the resolution being reviewed by Attorney Canoutas, which is indicated is standard, motion was made by Comm. Ufferman to accept the standard resolution firm BB & T. Motion seconded by Comm. Lambeth.

(Ms. Suggs noted this is a Resolution and Agreement for Deposit Accounts designating BB & T as Central Depository and also designating persons as “Designated Individuals” (to sign) which are Tim Fuller, Bill Ufferman, Frances Jones and herself.

**There being no additional discussion—motion approved.**

Comm. Lambeth thanked Ms. Suggs and Donna Gurganious of BB & T for working out the extra 1% of interest on the funds moved to BB & T.

Comm. Ufferman noted that as the CD’s became due Susan went down to BB & T and moved it from Bank of America. Once we get them all over there, they will then be sent out for bids. Interest received today was 4.03% for 32 days—one half million dollars.

Schedule Work Session on 35 foot building height limit

Mayor Fuller noted that he felt it was fair to say this Council was elected to protect the 35 foot building height limit and that they are going to do that. He mentioned that what is proposed is that Council schedule a work session to have a thorough discussion of it. He



Kure Beach Town Council  
Regular Meeting  
January 17, 2006

mentioned that they felt the election in November was an over-whelming mandate for the 35-foot height limit and they fully intend to institute a referendum that will make it impossible to change that without a full and thorough discussion and then with the consent of a majority of the citizens. He noted he is speaking for himself. The idea is that we (Council) will not railroad anything through on any issue so at the suggestion of Comm. Montgomery, we will schedule a work session to discuss this and come up with the details of the request that we are going to make to the State Legislature. Any change we make on this will require a local bill from the State Legislature. There is absolutely no way around that as much as we would like to do that locally. However through the diligent research of a number of people, Ron Griffin, Chuck Keener and some other folks, we found out that 5 other communities in this area, all in Brunswick County have had local bills establishing the 35 foot height limit and a referendum to protect that height limit. So we will use that as a model, it will not require a Charter change—the advantages of this are #1—it can be done more easily #2—it is more flexible and #3 it takes into account the consideration of the residents of Kure Beach who, and believe me, we have heard the range of options from nothing over 35' to why not 135 feet. There were people who were willing to consider 35 feet in the B-1 District as long as they can be absolutely satisfied that it would not spread to other parts of town. There are people like Mary Beth who thought that we needed to have the flexibility to consider a well designed option of that kind—so this takes all of that into account—but the thing I want to stress is that it provides the fundamental protection that this Council cannot change it—only you can change it and that is what we are going for. **So the motion he would like to make is that the Council schedule a work session for the discussion of a request, a resolution of a local bill for protecting the 35 foot height limit for February 9, 2006 at 5:30 p.m. Thursday evening here at Town Hall. Motion seconded by Comm. Dugan.**

Mayor Pro Tem Montgomery noted that as this has been an issue throughout which goes back for some time before the election and as he and Comm. Dugan discussed this a long time ago—this is an issue the people of Kure Beach need a say-so in and it's also an issue that we agreed that we got businesses on the plan which we will have in the Development Study.....Also we want to keep this a local issue, keep Raleigh out of it—we want to have the say-so whether Kure Beach as to what happens within Kure Beach. Whether it's good for today or 5 years from now. We want to have the where with-all to make those decisions here locally. The idea of a referendum keeps that locally—it doesn't go back to Raleigh ever again....

The state statutes do not give us the authority to hold a referendum any time we want to--  
---He felt the key issue is to have public input.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Fuller asked if anyone else (Council) had any comment or if anyone in the audience had comment.

Mr. Fred Tesh asked if before Council does anything, should the study be finished first.

Mayor Fuller noted that the study (Downtown Development Study) arrived at Town Hall about 3:30 this afternoon—too late for Council to review before the meeting.

Mr. Tesh asked if Council should review the study before making the motion to schedule a public hearing.

Mayor Fuller noted that he felt between now and February 9 everybody would memorize the study—but we can study between now and February 9. He mentioned that there are a number of issues on the agenda that have been hanging out there too long and we need to move forward and get some resolution. Mayor Fuller mentioned there is a motion on the floor to schedule a work session to discuss a resolution for a local bill on the 35' building height limit and that is schedule for February 9 at 5:30 p.m. here at Town Hall---**motion approved.**

#### Consideration of Verizon lease for cellular equipment

Mayor Fuller noted request is for lease to be on same ground space in order to locate their cellular equipment and the other is for co-location of antenna of Verizon on the tower that is actually owned by Cingular.

Mayor Pro Tem Dugan noted that based on his review of the information submitted there is a total of 3 changes—3 paragraphs that have changed—two of the paragraphs are to firm up the language that Bill wanted to put in regarding the 3% and the prices of things and the other changes is the addition of a couple of words in the beginning of a sentence. He mentioned that he has talked with Attorney Canoutas and the change does not alter the original meaning.

**Motion by Comm. Dugan and seconded by Comm. Ufferman to approve the Verizon lease contract, amount to be paid to Kure Beach annually \$14,400.00 for approximately 800 square feet of space between Town Hall and the Fire Department and the antenna on the tower—term of the contract is 5 years—motion approved.**

#### Stormwater Management Plan

Mayor Fuller noted next item is to discuss advertisement for citizen committee members and requested Mayor Pro Tem Montgomery address this item.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Pro Tem Montgomery noted that this has been and will continue to be an on-going issue with the Town as we are under federal mandates—we have same initiatives. To highlight quickly, the majority of the work including the stormwater ordinance, to date has been done by Comm. Dugan, Comm. Ufferman, Sonny Beeker, Public Works Director and Building Inspector Dixon Ivey—citizens have not been involved to date. We are moving into a phase of stormwater management where this will need citizen participation, i.e., a committee as oversight to plan how to handle things in the future. We recommend expanding the present committee, (consisting of several Commissioners, Department Heads as noted and to include 3-citizen members join the committee by March of this year. We must advertise for the positions and get applications into Council to be reviewed and plan to appoint by the March meeting.....The first thing they will become involved will be the stormwater ordinance, which is drafted and will be reviewed and approved before implementing. The other thing they will be involved in is the monitoring and implementation of the pilot program by NCSU which starts February 1. Our stormwater from L and N Avenues will be drained through a filtration system, through the dunes and from the dunes naturally percolate into the ocean. This is a new system by the North Carolina State University—they will be paying all costs involved in it—it is a research project and we are the first ones in the state or nationwide to be involved in this—they will continue to monitor this project. The people who join this committee will be involved in monitoring of that program.....

**Motion by Mayor Pro Tem Montgomery to advertise for these positions for the stormwater management committee to be filled, we hope by March. Motion seconded by Comm. Dugan.**

Comm. Dugan noted that part of the state mandate is that we be informational in nature—getting information out to the citizens—this system group will also be influential in the timing and selling of the different projects.

**Mayor Fuller noted the motion on the floor is that the Clerk is directed to advertise for three (3) citizen members of the Stormwater Adversary Committee. Motion approved.**

Mayor Fuller mentioned for information, Council wants everyone to know if you see backhoes out there going on the dunes between the Pier House and N Avenue, it is part of the stormwater project. Long-term goal of this project is to get those discharge pipes off the beach—the ones sending the stormwater into the ocean now.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Comm. Dugan noted that so far it has not been determined how it can be sent to the river instead of the ocean so this is an interim method in order to filtrate as much as possible below the surface....Also realize, even though it may work, it is to take the first one inch of stormwater—so if we get “gully-washers” you’re still going to see water washing out onto the sands once the system is overloaded.

Mayor Pro Tem Montgomery mentioned that the next newsletter will include information relative to the project.

Shoreline Access & Parking Committee Memo re: Corral Parking

Mr. Chuck Keener, Chairman of the committee noted that the corral, (area at the northeast corner of K Avenue and Seventh Avenue) has been used for trailers, boats, RV’s, etc., and they would like to make this a parking facility for off-site parking for the beach. The committee is requesting Council designate this as an official parking area—an ordinance can be drafted designating as such, install signage thereby creating more parking.

Mayor Pro Tem Montgomery mentioned that the Shoreline Access & Parking Committee has met with the Chief of Police relative to this parking area they want to find the most equitable way to use this space. We need space to designate as over-flow parking to compliment their plan and in prior discussion, the committee has been unable to come up with an equitable way to provide RV—boat, etc., parking for everyone of the 1700 residents of Kure Beach if they wanted to and if we did, this would put us in direct competition with commercial establishments.....

Following additional comments, **motion by Mayor Pro Tem Montgomery to designate the corral as a public parking area. Motion seconded by Comm. Ufferman.**

Comm. Dugan asked if “unauthorized parking” needs to be defined to exclude RV, boats, etc.

Attorney Canoutas noted that if these are going to be excluded, signage and language to that effect will be needed.

Comm. Dugan asked if we need to follow up on this or is it a Police function.

Mr. Keener noted that the Parking Co0mmittee will be meeting to discuss/review parking ordinances-----Hopefully in the next couple of months we will be able to submit information for consideration. The Parking Committee, Shoreline Access & Parking Committee, Chief Cooper and Comm. Ufferman will be meeting January 19 at 3:00 p.m.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Fuller noted that when this was previously talked about, there were existing ordinances that limited parking of certain vehicles and storage of vehicles in certain areas.....

During discussion/comments, Mayor Fuller noted that the committee will be coming back to Council with additional recommendations for revisions to the ordinance.

Mr. Kraus asked if this goes through, when will it be effective and when will enforcement start.

Chief Cooper noted it will become effective when the ordinance is adopted—present ordinance language to be amended to permit enforcement.

Mayor Fuller noted that once the ordinances are amended, new ordinances written, etc. and adopted, then enforcement can begin.

Mr. Kraus mentioned his concern that this will be talked about and nothing done for a year.

Mayor Fuller mentioned that this Council is committed to, as he and Mr. Kraus discussed, that this is their commitment. Also he felt it would be appropriate if Mr. Keener would like to amend his ordinance to say that the subsequent changes should be back to this Council for approval no later than the March meeting.

Ms. Lisa Heglar for information reminded the parking committee that during a State of Emergency, generators for Public Works are usually parked in this area. Also if we have a substantial storm and a State of Emergency is declared, such as Fran, the Red Cross and other agencies are set up in that area.

Mayor Fuller noted that as part of the plan, provisions should be made for removing any vehicles that are parked there should an emergency be declared.

Comm. Ufferman asked who is on the parking committee.

Mr. Keener noted himself, Bo Goodman, Mario Paparozzi, Chief Cooper, Mayor Pro Tem Montgomery and Comm. Ufferman.

**Mayor Fuller noted motion on the floor to designate the corral as public parking. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Parking in the B-1 District—P & Z Memo

Mayor Fuller mentioned that Tim Bullard, Chairman of the Planning & Zoning Commission, is under the weather and unable to attend tonight's meeting, therefore Alan Votta will be addressing this item.

Mr. Votta noted memo from the P & Z commission requests that Council consider relaxing the parking requirements in the B-1 District excluding motels/hotels, for the expansion of businesses. Reason being that a proposal was submitted for mixed use, which would be non-conforming because of the present parking requirements.

Mr. Votta read aloud the memo from the Planning & Zoning Commission (copy attached).

**Motion by Comm. Lambeth to have a joint work session with P & Z following the work session on February 9 to discuss this with P & Z, motion seconded by Comm. Ufferman. Comm. Lambeth noted the rest of his motion is to include this in the February agenda. (Mayor Fuller noted this did not need to be included in the motion—just put it on the agenda).**

Mayor Fuller noted the motion is to schedule a joint work session with P & Z to discuss parking in the B-1 District. For information he mentioned that P & Z sent the item to Council back in late summer and action was deferred pending the completion of the business study, which was received today-----

Mr. Fred Tesh asked if the parking committee is being overloaded.

Mayor Fuller requested Dean amend his motion to include that a joint work session of Council, P & Z commission and the Shoreline Access and Parking Committee. **Motion by Comm. Lambeth and seconded by Comm. Ufferman to amend the motion as noted. Motion approved.**

Work Session scheduled for February 9 at 6:30 p.m. for P & Z, Shoreline Access & Parking committee and Town Council to discuss consider relaxing parking in the B-1 District except for motels/hotels.

Mayor Fuller noted this concluded agenda items under old business and requested a 10-minute recess.

Following the recess, Mayor Fuller recalled the meeting back into session.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

## **NEW BUSINESS**

### Appointments to Kure Beach/Carolina Beach Sewer Authority

Mayor Fuller noted the Kure Beach/Carolina Beach Sewer Authority is the governing body of the shared wastewater treatment plant at Carolina Beach. Each Town has 2 members on this Authority—in the past its been the Mayor and one Council member...For the time being he would like for Council to appoint himself and Comm. Dugan as the Kure Beach representatives on the Sewer Authority. **Motion by Mayor Fuller and seconded by Comm. Ufferman to appoint Mayor Fuller and Comm. Dugan as Kure Beach members of the Sewer Authority. Motion approved.**

### Budget Amendments for FY 05-06

Mayor Fuller noted that the N.C. State Law requires that the Town pass a balanced budget every year on July 1. Over the year Council is required to adjust the budget to account for either additional revenue or additional unforeseen expenditures and this is done through the process of budget amendments.

Finance Officer Suggs to address this item. She noted this is a three-part amendment: Return local share of CAMA Grant to the general fund. Our portion of Shoreline Access Grant—one portion of money not received returned to the general fund to pay for the additional election costs \$1,560.00, additional Town Hall print/cleanup \$8,440.00.

Next part of amendment is for funds received in the amount of \$43,583.00, which will off- set expenses, occurred due to Hurricane Ophelia. We will increase emergency management fund to cover those expenses and all other departments will not have to cover this expenditure.

Next amendment is for Beach Renourishment Revenue—New Hanover County has given approval for \$59,751.00 for the Hatteras Beach access ramp—this covers cost of the ramp and the over-run.

Mayor Fuller noted we are accounting for the money received for the beach access ramp...

**Motion by Comm. Ufferman to accept the budget amendments as proposed by Finance Officer Suggs. Motion seconded by Comm. Lambeth. Motion approved.**

Discussion of mixed-use proposal in the B-1 District referred by P & Z. Guests representing Pier view LLC present.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Comm. Lambeth noted that there has been a lot of discussion about a mixed-use project that was proposed for Kure Beach. Planning & Zoning were very satisfied with what was brought to them—this is where the discussion came up about the parking requirements. Mr. King representing the project submitted artists rendering of what they would like to build.

Mr. King noted that the project is contingent upon new businesses being allowed to use public parking—he understands this discussion (on public parking) will be discussed on February 9. He mentioned in brief summary that the proposed mixed-use project fits in with current setbacks and height restrictions...

Mayor Fuller advised Mr. King that the parking issue would not be settled at the February 9 work session.

Mayor Pro Tem Montgomery noted that the plans call for residences and 4,000 square feet of retail space and he asked Mr. King if the retail space would be leased at a commercial rate in order to attract tenants for that space.

Mr. King noted this is correct and will be beneficial for both the residential and commercial -----

Mr. Fuller asked if there were additional questions.

Mr. John Gordon, Chairman of the Beautification Committee, noted that in looking at the plans he saw landscaping and asked what type is planned.

Mr. King noted that they are going to have a 5 foot setback instead of the required 3 foot setback and will use this for sidewalks and planting. Also handicap access will be available.

Mayor Pro Tem Montgomery mentioned that there are people out there that still believe this is a viable community and invest their money in rather than just single-family homes. He felt that as a community we can continue to work together in whatever means we can to encourage private investments to come in here and re-vitalize and keep our business community alive.....private investments and businesses can do that.....everyone must work together to bring people here—this is an example of how we as a community collectively work together, we can in fact attract investors to keep our town vitals—we don't have to sacrifice everything we have.



Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Ms. Lisa Heglar, resident and realtor, noted she is not in any way involved in this project other than looking at it. It backs up to what used to be Nelson's Motel, now Kure Beach Motel which is also on the market. She mentioned that she was at the P & Z meeting when this proposal was brought in and there seemed to be some confusion. Commissioners Dean and Mac were also attending. She noted this project is not cheap and she realizes parking was an issue, but at that meeting she made the statement to P & Z as to whether you approve it or not, can you give them recommendations. And then for one person to say go forward with your plans. She asked that when you see people coming in willing to make an investment of that negotiated in the area, working within 35 feet, we need to give the developers direction to take the bull by the horn.....Council has said to P & Z to let's start working on a mixed-use ordinance—they are waiting on a study but she would like to ask Council and P & Z in these work sessions to work and let's really start making this mole—as they basically are in hold until they can get direction from the community, Council or P & Z as to what they want to do.

Mayor Fuller noted that this is a good point but he thought the interpretation they have now, except with the parking issue, we have language in our ordinance now sufficient to approve this project. There is language in the B-1 that says you can have residences as long as they are a part of a business development.

Ms. Heglar noted that we have that but we don't have on that back street that if all that is residences why isn't there a business attached to the back part. If you're going to allow residences on the last 4 lots.....

Mayor Fuller noted the buildings are attached.

Comm. Lambeth mentioned that they are an integral part of the building.

Mayor Pro Tem Montgomery noted that he agreed with what Ms. Heglar said and it is time for us to start moving forward—use this as an opportunity to start working together toward coming up with something. He further agrees that all of the prior issues were all hypothetical—it's what would happen, if, or what would we do if this happened.....now it is no longer hypothetical—we now have something to look at. Now we can really begin to start working.

**Motion by Comm. Lambeth that the Kure Beach Town Council—requests and directs the Kure Beach Planning & Zoning commission to review the properly submitted application of Pier View LLC for compliance with all Kure Beach ordinances and regulations except for compliance with on-site parking. Upon completion of their review, P & Z will report their recommendations to Council except for parking. Motion seconded by Comm. Ufferman.**

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Fuller noted that this is not an approval—it is a signal that we like the project but we need to work out the parking plans—but it is not an approval.

Comm. Dugan noted there would not be final approval until parking is handled.

Ms. Heglar asked if Council was going to come up with a mixed-use ordinance.

Mayor Fuller noted that is the intent, but the idea here is that these folks can keep working on this project while we are working out some of the other thins and the final approval will be contingent upon those.

Mayor Fuller asked P & Z member Alan Votta if this will serve as what P & Z needs as far as proceeding.

Mr. Votta noted that we do not have any mixed-use guidelines—what they submitted fits the zoning—that’s all they have to go by.

Mayor Fuller mentioned the specific ordinance 19-243 Permitted Uses in the B-1 District #8 and read aloud same. The Building Inspector has indicated that this plan is permitted in the B-1 and therefore P & Z could review it in those terms—as it is—with the exception of the parking.

**Comm. Lambeth’s motion says while we are working on the parking thing, we don’t want to keep these folks from coming forward with their plan—so you guys can go ahead and work in P & Z and look at all the other requirements—the setbacks, the landscaping, the driveways, etc., everything else that has to be approved and the residential parking. Take care of all of that and make a recommendation based on that and then we will figure out what to do about the parking.**

Comm. Lambeth mentioned that at the February 9<sup>th</sup> work session will be a great time to work out the loose ends.

Comm. Dugan asked if the Attorney saw any deep holes we can fall in.

Attorney Canoutas noted not at this time.

Mayor Pro Tem Montgomery reiterated that he felt Council needs to do what is necessary within our power to create ordinances that clearly define.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Fuller called for a vote on the motion.

**Motion approved.**

Report on Pleasure Island Chamber of Commerce efforts to promote business in Kure Beach

Mayor Fuller noted that originally Ms. Ann Brodsky a resident of Kure Beach was going to address this but she was unable to attend. Therefore the President of the Pleasure Island Chamber of Commerce Board of Directors Donna Gurganous will address this item.

Ms. Donna Gurganous expressed appreciation for the opportunity to address Council. She noted that the mission of the Chamber of Commerce is to promote tourism and economic development of our island. Ms. Gurganous mentioned that she is present at the meeting tonight making herself and the Board of Directors available to Council to use as resources and for filling their mission.

Mayor Fuller asked if there are any particular projects they are working on now.

Ms. Gurganous mentioned that once again they have started the Charity Auction which will be held in May and the Chowder Cook-Off which will be held April 22.

Comm. Montgomery mentioned that he had met and had lunch with Donna and members of the Executive Committee for the Chamber and he felt that as there are projects to encourage the growth of retail businesses in the community and he felt the Chamber can do a great deal to assist in filling the retail space.....He encouraged the citizens and Council to continue to support and promote the relationship with the Chamber. He noted that two members of the Chamber are from Kure Beach—Ann Brodsky and Helen Wilson—and as this is a Chamber of commerce for the entire community we should begin to see efforts to support the entire island.

Ms. Gurganous thanked Council and noted that they looked forward to working with the Town.

Mayor Fuller thanked Donna for attending and noted that no action is needed from Council.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Approval of Contract for Painting of Town Hall

Mayor Fuller mentioned that Council previously requested Public Works Director Beeker to solicit bids for painting and repair work on the Town Hall—this building was constructed in 1991 and we now need to address the regular maintenance. We received two proposals—one from The Painting Pros and one from Wilmington Painting. The proposal is for pressure washing the exterior of the Town Hall and repair to some of the exterior stucco insulation system, repair soffit and soffit vents—low bidder also includes trimming the shrubbery so he can get to the building to paint. Second part of proposal is to paint the interior of Town Hall—doors, offices, repair work on some of the dry walls--this is much needed and will be helpful to the staff as well as the public. He mentioned that one of the bids is for \$8,913.00 and the other is for \$8,500.00, both are reputable contractors and **he would like to propose (motion) that we accept the contracts from Wilmington Painting in the amount of \$8,500.00 to do the work around Town Hall. Motion seconded by Comm. Dugan. Motion approved.**

Appointment to the Beautification Committee

Mr. John Gordon, Chairman of the Beautification Committee, noted that with the appointment of 4 members, it will bring the committee back to 7 members. (He mentioned that Frances Regan and Fred Tesh are coming off the committee as they have other commitments. Four members are Ms. Judy Larrick, who is lead person and very active in the turtle program, Bo Goodman, presently a member of the Shoreline Access Committee and who has become very active in working with the Town, Tony Gonsalves, also member of the Shoreline Access Committee and very active in Island of Lights and Candace Clark who lives on Atlantic Avenue. She has a lot of ideas of things to do along Atlantic Avenue which she referred to as Ocean Walk and is very active in VITA. He mentioned that all of these persons are very active and have attended the last two meetings and he would like to recommend their appointment to the Beautification Committee. He mentioned that Ed Philemon representing one of the largest Homeowners Associations also attend their meetings. Mr. Gordon encouraged persons to attend the Beautification Committee meeting.

**Motion by Comm. Ufferman that Council accept the nomination of the four persons as presented by Mr. Gordon. Motion seconded by Mayor Pro Tem Montgomery.**

Mayor Fuller asked if we advertised for these appointments and do we have to advertise.

Attorney Canoutas noted it is part of your policy to advertise.

Comm. Ufferman noted that he was happy to have them volunteer to serve.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

In discussion/comments, Mayor Fuller noted that Council would need to make a decision as we have received the recommendation of 4 good people but we also have a standing policy.

Comm. Lambeth asked if advertisements in the past will suffice.

(Clerk mentioned that advertisements are sometimes run several times to get enough people responding).

Comm. Dugan requested that persons having a problem with the fact that this was not advertised, to please submit your name and you will be put on a committee.

Mayor Fuller noted as a matter of fact several persons are needed on the Community Center Committee.

Mr. Gordon noted that last year we did advertise twice to get enough persons to sign up.

Ms. Heglar asked why doesn't Council advertise once to suffice the procedures, have them re-submit the applications and then appoint. That way you have followed the procedures.

Mr. Russo in commenting noted that in the past the ad has been run with little or no response—you now have four people who have volunteered to serve—make an exception and appoint the people.

Mr. Fred Tesh mentioned that in doing this you were going against your own policy if you don't advertise you are going against your own policy, if you don't advertise you are going against the policy you set up. Changing things in mid-stream—either do it one way—do it the other way or do away with it one or the other.

Comm. Ufferman called for a motion.

**Mayor Fuller called for a vote on the procedural motion. –All those in favor of Comm. Ufferman's motion that we call to question—say aye. Everyone responded unanimous aye.**

**Mayor Fuller noted the motion now before the Council and subject to an immediate vote is do we appoint the 4 folks as recommended by the Beautification Committee. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mr. Keener, Chairman of the Shoreline Access and Parking Committee noted that Mr. Tesh, who is on this committee, his term ran out in December and they would like to have his term renewed. Does he need application or can he be reappointed.

Mayor Fuller asked Mr. Tesh if this is not advertised will he accept the appointment.

Mr. Tesh stated yes—as you are talking about two different situations.

Mayor Fuller noted Mr. Tesh's appointment is No. 14 on the agenda and 13 item deals with Shoreline Access & Parking Committee, request for preliminary approval to apply for FY 06-07 Grants.

Mr. Keener noted that last year the budgeted funds went back and forth and presently they were given back to Council and now the Shoreline Access & Parking committee is requesting those funds be returned.

In discussion Comm. Montgomery noted that at the December meeting it was mentioned that Coastal Resources has between three and four million dollars available for mid-year grants for the coastal access program. The deadline for the preliminary grant application is February 26. The Shoreline Access Committee needs Council authorization to proceed with planning for a grant in order to present it to Council Feb. 21. In additional comment, he mentioned that there is a good chance to be awarded a grant.

Mr. Keener noted that they would like to apply for a grant for restrooms to be located at I Avenue and Fort Fisher Blvd.....We are repeating the grant request for public restrooms but for a different location.

Mayor Pro Tem Montgomery asked which of the proposals with external funding he needed to accomplish the improvement.

Mr. Keener noted restroom—Community Center parking improvements will be considered, any project for ADA.....

Mayor Pro Tem Montgomery noted if approval is granted, the projects will start in July.

Comm. Dugan asked in regards to the Visitors Guide project, if we could require ROT funds for this project.

This is being worked on.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Mayor Pro Tem Montgomery noted additional discussion/public meeting will be held relative to the restroom and if the proposed additional parking affects anyone, private property, this will need to be advertised in conjunction with the (Shoreline Access & Parking Committee) monthly meeting.

Following additional discussion/comment, Mayor Fuller noted that Council is not being asked to appropriate any money—not being asked to agree to any grant. We are giving the authority to submit the preliminary application for grant funding if we decide that this is not a good project or not sufficient local funding for our share of the project, we can say no.....

Comm. Dugan noted that when the study was done on the accesses, there was a good deal of discussion where the restrooms were being considered for placement near homes—so the public will need to be made aware.

Mayor Pro Tem Montgomery noted that he would like to make two (2) motions.

**First motion is that Council will grant authority to the Shoreline Access Committee to plan projects for 2006/07 CAMA Mid-year grant cycle to include parking in various locations and restrooms with no commitment or obligation to accept. Motion seconded by Comm. Ufferman. Motion approved.**

**Mayor Pro Tem Montgomery noted the second motion is that the Town advertise a public hearing to be held in conjunction with the Shoreline Access Committee Meeting to try and get the maximum participation in this process.**

Attorney Canoutas mentioned the Shoreline Access Committee would like to hold the Public Hearing on February 14 at 5:00 p.m. in conjunction with their monthly meeting.

**Motion seconded by Comm. Lambeth. Motion approved.**

Re-appointment to Shoreline Access & Parking Committee

**Motion by Mayor Pro Tem Montgomery to re-appoint Fred Tesh to the committee for a subsequent term to follow the existing term. Motion seconded by Comm. Dugan. Motion approved.**

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

**PERSONS TO ADDRESS COUNCIL**

Ms. Lisa Heglar asked Attorney Canoutas for a status or update to the lawsuit or opinion of appeal of the B-1 district pertaining to whether or not single family housing will be allowed.

Attorney Canoutas noted there has been an extension in time granted the plaintiffs to get the record done—apparently the court reporter has been swamped and was unable to meet the time frame—extension was given but has not come back to the Court of Appeal.

**COMMISSIONERS' ITEMS**

Comm. Dugan noted that everyone received a letter from New Hanover County regarding their proposed Bond referendum for parks in the County. They sent us a letter saying their intent, at least in the preliminary proposal is to give each of the beach towns \$200,000.00 from the County to use as parking/beach access/recreational facilities. The County on the funds,.....They give us money and we back the bond referendum.

Mayor Fuller noted as we are all members of the County we will all pay it back.

Comm. Dugan mentioned that they have asked us to give them a general sense of direction as a Council as to what we plan on doing if anything. It is almost a no brainer if we don't do anything and they pass it we will not look very good—if we do back it and they are successful obviously we get our fair share and it will be for facilities located within the Town—for the use of Town's people. If it doesn't go through then no one gets anything. From his perspective, he would want to back it.

Mayor Fuller asked if he felt Council should ask the committees, etc., for suggestions.

Comm. Dugan noted on the other hand if the citizens do not want to back this request, we also need to pass that along to the County so they will know how the citizens feel. They (County) would like to receive input prior to their January 20 Commissioners' Work Session.

During discussion/comment, Mayor Pro Tem Montgomery mentioned that he felt this puts an \_\_\_\_\_ and tells us we need to do something in regards to who has title to the public property adjacent to Kure Dunes and Beach Walk areas that used to be a catch basin that Joe Hearne gave to the Town as this has the possibility to become a park. The other thing is we ran into a problem in the past getting money externally because as for our part, we only have a 5 year lease form the Dept. of the Army which has basically precluded us from getting any recreational funds to improve it.....



Kure Beach Town Council  
Regular Meeting  
January 17, 2006

Comm. Ufferman thanked everyone for coming to the meeting and asked if Council could look into getting 2 or 3 mikes, one for the Clerk and Finance Officer's table and one in the back.

Mayor Pro Tem Montgomery notes that he has 2 items: 1 he would like to invite the people to a new initiative on the various people of the community. He read aloud the following. "A monthly forum to discuss items of interest to Island residents will begin in February. Each forum will be held the first Monday evening of the month at 8:15 pm at the Community Center. On February 6 the topic will be the Referendum and the 35' height limit. Guest speaker Jane Daughtridge, Oak Island Town Planner, will briefly discuss Oak Island's experience since passage of their own height limit referendum. Factual information will be provided regarding how a referendum works and the possible implications should the referendum be adopted. Discussion will follow as time allows.

The forums are sponsored by Community Conservations, a small group of residents. We welcome others to join us in planning and sponsoring future forums. Please contact Liz McClancy if you're interested."

Mayor Pro Tem Montgomery noted his second item is to advise that he met today with Donna Moffit, Director of the NC Aquarium at Fort Fisher, along with representatives from the Corps of Engineers, N. C. Wildlife Resource Commission, N. C. Estuary Area, and several other people with a plan they are working on--completely renovating the North Carolina Wildlife Resources boat ramp at the end of 421 next to the Rocks/Zeke's Island. These people will be coming up with a plan to improve parking, restore some of the adjacent wetlands, make access better for fisherman and other people, also recreational boaters and others. Cost will be borne by grants and they have requested Kure Beach to support their planning and once he received a set he will share with Council and the general public..... The land is owned by the United States Army and is leased to the State of North Carolina.... This could have an economic impact on our area. He will keep the Council posted on the status of this project.

Comm Lambeth thanked everyone for coming out and noted that the Pier View Project submitted for review has a very large swimming pool and he will not under any circumstances enter into a contract with them.

### **ATTORNEY'S ITEMS**

No items.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

### **MAYOR'S ITEMS**

Mayor Fuller mentioned this he has two items 1- The Community Center Committee will hold the annual Community Spirit Celebration Banquet on March 25 at 6:00 pm. This is a big event, a catered dinner, and we recognize people who have made significant contributions to the community. Please plan to attend-Tickets will be available March 1- nominations forms will be available this Friday (01-20-06) at Town Hall or from any member of the committee.

Mayor Fuller noted limitations on the award exclude elected officials and town employees. The second item is that the Community Center Committee has two openings on the committee and they would like to advertise.

**Motion by Mayor Fuller and seconded by Comm. Ufferman to authorized the Clerk to advertise for the appointments to the Community Center Committee. Motion approved.**

Mayor Fuller mentioned that Emily Swearinger a local resident, is one of the local coordinators of the Special Olympics and one of their primary fund raiser every year is called The Polar Plunge- a bunch of people jump into the ocean to raise money for the Special Olympics.

Emily has persuaded some to participate for those who think he should “jump into the lake” here is your chance- The Mayor of Carolina Beach and himself have agreed to do this ... This is a very worthy cause and supporting it will be appreciated. Also he has brochures available for persons wishing additional information.

Mayor Fuller also mentioned that one of the things started with this Council in an effort to improve performance of this Council and to provide better customer service is to start having weekly staff meetings- They are very informal and Sonny, Harold, Dennis, Dixon Frankie, and Susan sit down with two members of the Council (members rotate weekly). The idea is to get together and talk among ourselves about what is going on, any problems, any issues coming up- things of concern- Major or minor issues – making sure that phone calls are returned. We have come up with this multi-copy phone message booklet that will help keep track of calls... they are working very hard on this and he expressed thanks to staff.

Kure Beach Town Council  
Regular Meeting  
January 17, 2006

**ADJOURN**

Their being no additional items to bring before Council, **motion was made by Mayor Fuller and seconded by Comm. Lambeth to adjourn the meeting. Motion approved**

Meeting Adjourned

Minutes by \_\_\_\_\_  
F. Jones