

The regular meeting of the Town Council of the Town of Kure Beach was held at Town Hall at 7:30 pm on June 20, 2006. A quorum was present.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Building Inspection	John Batson
Finance	Susan Suggs
Police	Chief Dennis Cooper
Public Works	Sonny Beeker
Interim Town Clerk	Susan Suggs

STAFF ABSENT:

Fire Department	Chief Harold Heglar
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Town Attorney A.A. Canoutas was in attendance.

Call to order	Mayor Fuller
Welcome	Mayor Fuller
Invocation	Reverend Joey Canady
Pledge of Allegiance	All

RECOGNITION AND AWARDS

Sgt. Paul Hubbard of the Kure Beach Police Department addressed the Council concerning the "Police Officer of the Year" Program sponsored by Grace Baptist Church. The Church invites local police departments to submit a nominee to recognize as "Police Officer of the Year." Officers of the Kure Beach Police Department unanimously nominated Chief Dennis Cooper. Chief Cooper thanked his officers and there was a standing ovation from Council and the audience.

PERSONS TO ADDRESS COUNCIL:

Drainage Problems: Mr. Rick Morton of 122 Settlers Lane advised the Council of ongoing drainage problems on his lot. Water from Settlers Lane, including in front of Town Hall is directed across Mr. Morton's lot to the drainage ditch behind his house. Previously installed yard inlets and drainage pipes have not solved the problem and Mr. Morton continues to suffer erosion

and standing water after heavy rains. Public Works Director Sonny Beeker agreed that there is a problem and told Mr. Morton he will be in touch with him to consider possible solutions. One Possibility is construction of a drainage swale between Mr. Morton's home and the house next door. The attorney advised that it might be necessary for the town to obtain a drainage easement. Mr. Beeker is to report to the Town Council at the July meeting.

Lack of Code Enforcement: Mr. Ron Hanna of 745 Sloop Point Lane addressed the Council at its May meeting concerning violations of the Town's ordinances, especially encroachments on the Town's rights of way by buildings and landscaping and real estate signs. Mr. Hanna expressed disappointment at the apparent lack of response.

Commissioner Lambeth said that Building Inspector Batson had confiscated numerous real estate signs violating the right of way rule. Mr. Hanna said the confiscations were meaningless unless a letter was sent to real estate firms advising them of the violations. Mr. Hanna was also concerned that trash cans are being left on the streets in violation of the ordinances. Commissioner

Ufferman advised that the Council plans to address the trash can issue again in July when it considers revised policies and charges for garbage collection.

#### ORDER OF BUSINESS:

##### APPROVAL OF CONSENT AGENDA

Consent agenda approved unanimously.

Mayor Fuller explained that the ADA Committee Report, Website Report and Inspections Department report were received after the Consent Agenda was prepared and would have to be received by a separate motion. Motion was made, seconded and approved to receive these reports.

##### ADOPTION OF THE AGENDA

With the following changes, the agenda was adopted by unanimous vote:

1. Items 4 and 6 under Old Business were moved to Department Heads' Items under Police Chief.
2. Mr. Gilbert Alphin was added to the list of Department Heads' under ADA Committee.
3. Item number 9 under Old Business was moved to the end of the agenda.
4. Attorney Canoutas advised council that a closed session to discuss pending law suits is necessary and would be requested under Attorney's items.

##### DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL:

Town Clerk: Nothing to report

Finance: Ms. Suggs advised the Council that a supplemental insurance policy is needed for Kure Beach Police Department Auxiliary Officers. Additional information is required but should be available for Council action at the July meeting. Ms. Suggs also presented the Council with the monthly financial report for their information.

Public Works: Public Works Director Sonny Beeker asked Council's approval of a resolution endorsing the New Hanover County Solid Waste Management Plan. Such a resolution is required by state law and is similar to resolutions Council approved in past years. Resolution was approved by unanimous vote. Said resolution is herein incorporated as part of these minutes as attachment A.

Building Inspection: Written report submitted

Police Dept: Chief Dennis Cooper asked Council to approve the fee schedule for events requiring Public Works, Police and Fire Personnel such as filming of movies or TV shows and sporting events. The proposed fee schedule was forwarded to Council last month and includes hourly rates for personnel and town equipment. Mayor Pro Tem Montgomery pointed out that the rate schedule did not include a minimum fee and suggested that it be amended to include a two hour minimum fee for personnel and equipment. The fee schedule will go into effect in July, 2006. Approved unanimously. Chief Cooper asked Council to approve a request for funds from the NHCO TDA for room occupancy tax funds to pay for overtime pay for police officers patrolling the beach on weekends and holidays and for 2 all terrain vehicles to be used for beach patrol. The amount requested is \$19,500. Approved unanimously. Chief Cooper announced that the Police Department will host a hurricane conference on June 29 at 7 pm in Town Hall and invited all to attend. He reminded everyone that the Kure Beach Triathlon will take place on Sunday, June 25, 2006.

Fire Dept: Written report submitted

Emergency Management: Mr. David Heglar is attending the U.S. Army War College at Carlisle, PA

##### COMMITTEE REPORTS:

Shoreline Access and Parking Committee: Written report submitted

ADA Committee: Mr. Gilbert Alphin reported to Council that he knows of at least three citizens

who are unable to drive Atlantic Ave. because the existing speed bumps are too high for wheelchair adapted vans. It is the recommendation of the ADA Committee that the existing speed bumps be removed and be replaced with vans that meet ADA codes. Mr. Alphin said there are alternatives. Council requested that Public Works Director Beeker and Police Chief Cooper investigate and report back to Council. Mr. Alphin asked that Council add Ms. Ann Brodsky to the ADA Committee. Ms. Brodsky has volunteered for the committee. Ms. Brodsky was appointed to the ADA Committee as a regular member by unanimous vote of the Council. Mr. Alphin told the Council that the ADA Committee is also recommending that the sidewalks on Ft. Fisher Boulevard be painted safety yellow wherever they are not in compliance with ADA regulations and safe construction standards. It has been known for sometime that the sidewalks are unsafe but a satisfactory plan to repair and replace them may be some years off. Commissioner Dugan asked the Town Attorney if marking the sidewalks as suggested would increase the Town's liability for any injuries. The Attorney said no and Council asked

Commissioner Lambeth to look into the feasibility of painting or marking the sidewalks and report to Council

Website Administrator: written report submitted.

Beach Renourishment Coordinator—Mr. Tom Barber, Kure Beach Renourishment Coordinator gave Council details of the Committee Report submitted after the Committee's first meeting. The highlights of the report included:

In June, the Beach Renourishment Committee submitted the Town's first ever beach inspection report to the U.S. Army Corps of Engineers. Inspection reports are required by the Town's beach renourishment contract with the Corps.

Mr. Barber and Mayor Fuller attended a meeting of the N.C. Water Resources Congress in Raleigh on June 6 and heard a report from Colonel John Pulliam of the U.S. Army Corps of Engineers on the Corps activities in the Wilmington District.

Mr. Spencer Rogers and Mr. David Nash, experts on matters relating to the coast, visited Kure Beach to help the beach renourishment committee get started and reported the beach in Kure Beach to be in good condition.

The Beach Renourishment Committee, with the assistance of 20 volunteers, planted 1200 sea oats on the dunes that were excavated for the stormwater project.

The Kure Beach renourishment project is on schedule. The "design" of the project is underway and it should be out for bids later this summer. Dredging is expected to start in November after the end of turtle nesting season.

#### OLD BUSINESS:

1. Budget Amendments for FY 05/06--Town Clerk Suggs asked that Council continue the June 20 meeting to Friday, June 30 to consider budget amendments to close out FY 05/06. After brief discussion, there was a motion to continue the meeting to June 30 at 9 am for the purposes of considering budget amendments and appointments to the Emergency Management Team. The motion was approved unanimously.

2. Approval of Kure Beach Emergency Plan--Commissioner Dugan moved that the Kure Beach Emergency Plan consisting of the Introduction and Hurricane section be approved as submitted last month to Council. Commissioner Dugan explained that sections of the plan covering other emergencies—manmade and natural—would be submitted for approval as they are completed. Motion was approved unanimously.

- a. Approval of Policy Governing Emergency Operations—Commissioner Dugan explained that a policy governing behavior of Town officials and emergency team members during emergencies was needed to prevent special treatment or favoritism or the appearance thereof. The policy was approved unanimously.
- b. Appointments to the KB Emergency Management Team—Appointments were postponed to the June 30 continuation of the meeting.

3. Appointments to Committees--Town Clerk Suggs presented Council with the

recommendation of the Planning and Zoning Board that Mr. James Schutta be appointed to fill the vacancy on P&Z. Upon a motion by Commissioner Lambeth, the appointment was approved unanimously. The Clerk also presented three applications for vacancy on the Beach

Renourishment Committee. Upon recommendation of Mr. Tom Barber, Council deferred action on the applications until the Beach Renourishment Committee has a chance to review and make a recommendation.

4. Approval of Procedures/Fees/Permitting-For Profit Events—Considered and approved under Department Head reports.

5. Consideration of Architectural Proposal/Survey for Atlantic Ave.—Mayor Pro Tem Montgomery explained that he had sought proposals from John Sawyer Architect for planning and design services to facilitate the efforts by the Beautification Committee and the Shoreline Access and Parking Committee for improvements to Atlantic Avenue from L to N. The proposal is in the amount of \$7050. After discussion, it was agreed to add a contingency amount to the proposal. MPT Montgomery moved that Council appropriate \$7400 from the FY 05/06 General Fund reserve to hire John Sawyer Architect and authorized the Mayor to sign a contract to that effect. Motion was approved unanimously. The planning for Atlantic Avenue will require a current survey of the Atlantic Ave. right of way to include existing conditions. Public Works Director Sonny Beeker will consult with the architect on the scope of work for the survey and present council with proposals.

6. Consideration of TDA Requests for Police Dept.—Considered and approved under Department Head Reports

7. Consideration of TDA Requests for CAMA Grants—Mr. Chuck Keener asked that Council approve four requests from the Shoreline Access and Parking Committee for funding from the NHCO TDA room occupancy tax funds to use as the local match for CAMA grants. The total request is for \$60,036 and includes the projects for improvements to ADA compliance at beach accesses, bike racks at beach accesses, paving of the Community Center parking lot and the public restroom at Atlantic and K Avenue. After discussion of the NHCO TDA policy on uses of ROT funds, MPT Montgomery made a motion to approve the requests and forward to NHCO TDA. The motion was approved unanimously.

8. Consideration of TDA Requests for Beautification--Commissioner. Ufferman asked that consideration of this item be postponed until the July meeting.

9. Recommendation to Council on Hiring Town Clerk—moved to the end of the agenda.

10. Recommendation to Council on Hiring Building Inspector--Commissioner Lambeth explained that eight applications for the Building Inspector position had been received but only two applicants had the qualifications necessary for the position. Mr. John Batson, the interim Building Inspector, was one of the two qualified applicants. Commissioner Lambeth made a motion to hire Mr. Batson as the permanent Building Inspector. Mr. Ron Hanna asked that the appointment be probationary until Council could evaluate Mr. Batson's willingness to strictly enforce existing ordinances. The Town Attorney explained that all such appointments are "probationary" because all Department Heads serve at the pleasure of the Council and may be dismissed at any time. Mr. Gilbert Alphin said he is happy that Mr. Batson has been hired and hoped he will address ADA code issues. The motion to hire Mr. John Batson as permanent Building Inspector was approved unanimously. Mayor Pro Tem Montgomery said that there is now a vacancy at the Inspections Department and asked if Council should advertise for a new Code Enforcement Officer considering the amount of work in Town. Commissioner Lambeth said that construction has slowed considerably and that one person might be able to serve as Building Inspector and Code Enforcement Officer if they got administrative help from the Town Hall staff.

11. Mr. Tommy Full was recognized to address Council concerning speeding in his neighborhood. Mr. Full said cars speed past his house at 3 in the morning and he asked that the Police Department increase enforcement. Commissioner Dugan said he would bring this to the attention of the Police Chief.

12. Recommendation to Council on fuel purchases—Mayor Pro Tem Montgomery has analyzed fuel purchases to determine the best purchase strategy for the Town. He presented Council with a memo outlining his findings and recommendations. Mayor Pro Tem Montgomery emphasized the need to manage our fuel purchases in the face of rising prices and the desire to purchase fuel locally as much as possible. Commissioner Dugan pointed out that the Trading Post has benefited the Town during emergencies. Mayor Pro Tem Montgomery agreed but also noted that the normal operating hours of the Trading Post were sometimes a problem and price was a consideration. He said that Commissioner Ufferman has already contacted the Trading Post to negotiate a quarterly purchase order to continue purchases from them. None of the recommendations require specific, immediate Council action. There was a general agreement to continue with the recommendations as presented.

#### NEW BUSINESS:

1. Request from P&Z concerning "Mean Lot Width"--Comm. Lambeth explained that, in response from a recommendation from the Board of Adjustment, P&Z asked Council for guidance on revising the current definition of "lot width" in the Kure Beach Code of Ordinances. The Council discussed the possible impact of revising the definition while a lawsuit is pending. Mr. Christopher Chleborowicz, attorney for the plaintiffs in the Myrtle/Trout lawsuit, spoke to the Council about the implications of adopting a new definition. Upon the advice of the Town Attorney, Council deferred action on this matter pending discussion in closed session with the Town Attorney.

2. Appoint Kure Beach Representative to MPO TCC--Mayor Fuller asked the Council to appoint a new Kure Beach representative to the Metropolitan Planning Organization Technical Coordinating Committee. Currently the Town Clerk is listed as the Kure Beach representative but the position has more to do with roads and traffic and the Director of Public Works would be a more suitable representative. The motion to appoint Public Works Director Sonny Beeker as the Kure Beach representative to the MPO TCC was approved unanimously.

3. Request from P&Z concerning "Mixed Use"--Commissioner Lambeth asked the Council to give P&Z direction on development of a true "mixed use" zoning ordinance for Kure Beach. Commissioner Lambeth said they had hoped to use ordinances from Wrightsville Beach and Carolina Beach as models but those have been delayed. P&Z Chairman Alan Votta said the board needs professional planning assistance to draft such an ordinance. Council directed Commissioner Lambeth to solicit proposals from the COG or NCLM for planning assistance and report to Council at the July meeting.

4. Personnel Policy Manual—Drug Free Workplace—Commissioner. Dugan asked Council to act on a memo submitted in May concerning a "Drug Free Workplace Policy" for Kure Beach employees. Finance Officer Suggs told Council that suggestion was consistent with NCLM recommended programs and is a necessary part of the Town's insurance coverage. The Town Attorney reviewed the proposed policy and approved it as to form and content. Commissioner Dugan made a motion to adopt the proposed language with appropriate editorial changes to incorporate into the Town Personnel Policy. Commissioner Dugan's motion was approved unanimously.

5. Recommendation to Council on Hiring Town Clerk (from old business)  
Mayor Fuller explained that item had been moved to the end of the agenda to allow Ms. Nancy Avery time to get to Town Hall from another meeting. Ms. Avery had arrived and Commissioner Dugan could proceed with his recommendation for hiring a new Town Clerk. Commissioner Dugan explained the process the Council had used for selecting a new Town Clerk and introduced Ms. Avery as the recommendation of the search committee. Commissioner Dugan moved to appointment of Ms. Nancy Avery as the new Kure Beach Town Clerk. Commissioner Dugan's motion was approved unanimously. Ms. Avery was greeted by applause from everyone in attendance. Her first day as Kure Beach Town Clerk will be July 5, 2006.

PERSONS TO ADDRESS COUNCIL:

Ms. Emilie Swearingen spoke to the Council to disagree with earlier comments about the Board of Adjustment decision in the "Sea Filly" hearing. Ms. Swearingen said the Board heard a lot of evidence and made a "very sound decision" based on all the evidence and circumstances of the case

COMMISSIONERS' ITEMS

Commissioner Ufferman:

1. Thanked the Mayor and Clerk for the new Council notebooks. They are very helpful.
2. Commended Ms. Susan Suggs for her extra work as Interim Town Clerk. Susan has been working nights and weekends and deserves our thanks. Commissioner Ufferman made a motion to award Ms. Suggs a bonus of \$5,000 for her extra work. Motion was approved unanimously.

Commissioner Lambeth:

On Wednesday, June 14, a group of Kure Beach residents attended a hearing of the N.C. Senate Local Government Committee to show support for the Kure Beach Local Bill on the building height limit. In spite of opposition from the Homebuilder's Association and BASE, the bill passed the Senate on Monday night.

Commissioner Dugan: Nothing

Mayor Pro-Tem Montgomery:

The South Side Sewer Project is behind schedule because the condition of the existing sewers is worse than expected and more extensive repairs and replacement of sewer lines has been required.

ATTORNEY'S ITEMS

Mr. Canoutas requested a closed session to advise Council on pending lawsuits and legal matters. No action was taken during the closed session.

MAYOR'S ITEMS

Mayor Fuller thanked Judy Larrick and Pat Slachetka for repainting the Town Hall sign at the corner of K Avenue and Settlers Lane. It is another example of the importance of volunteers to the Town of Kure Beach.

ANY AND ALL PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION:

There were no item presented

ADJOURNMENT:

Council voted unanimously to continue the meeting until June 30, 2006 at 9 am at Town Hall.

NOTE: THESE ARE ACTION MINUTES REFLECTING ITEMS CONSIDERED AND ACTIONS TAKEN BY COUNCIL.

THESE MINUTES ARE NOT A TRANSCRIPT OF THE MEETING. PERSONS WISHING TO HEAR THE  
RECORDING OF  
THE JUNE 20, 2006 MEETING MAY REQUEST TO DO SO BY CONTACTING THE TOWN CLERK.

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Tim Fuller, Mayor

ATTEST:

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Susan Suggs, Interim Town Clerk