



KURE BEACH TOWN COUNCIL

REGULAR MEETING
September 19, 2006

MINUTES

The regular meeting of the Town Council of the Town of Kure Beach was held at Town Hall at 7:30 pm on September 19, 2006. A quorum was present.

COUNCIL MEMBERS PRESENT:

ABSENT:

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

COUNCIL MEMBERS

None

STAFF PRESENT:

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

STAFF ABSENT:

Fire Dept Harold Heglar

Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:30 p.m. Reverend Keith Grogg, Carolina Beach Presbyterian Church, delivered the invocation. Mayor Fuller led the pledge of allegiance.

RECOGNITION AND AWARDS

Police Chief Cooper awarded the Advanced Law Enforcement Certificate and pin to Officer Michael Bowden stating that this is the highest achievement an officer can receive.

Tom Russel awarded a plaque and certificate to the town for assistance provided with the Step Up to Soldiers event which brought 178 children of fallen soldiers to the area for a day of fishing. The event was funded by donations.

PERSONS TO ADDRESS COUNCIL:

Mike Burchell, Assistant Professor with NC State University, gave an overview on the status of the dune infiltration system installed at the beach between L and M avenues in February 2006. Mr. Burchell stated:

- Cape Fear Council of Government, the State, NC State University, Department of Transportation and Coastal Area Management Agency all worked together to develop a better way to address issues of increased levels of enterococci and fecal coliform bacteria, numerous storm water pipes, and limited land area.



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- A storm chamber was installed to filter storm water before it enters the ocean
- Sand acts as the filter and as the sand dries, the bacteria dies
- Twelve chambers were installed over a 120ft long area
- Initial results indicate bacteria levels were reduced and there was less overflow from storm water during storms

APPROVAL OF CONSENT AGENDA

ACTION - Commissioner Lambeth MADE THE MOTION to accept the consent agenda. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the agenda with the addition of one item to new business as number 7 “NC Inlet Water”. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEADS’ ITEMS TO PRESENT TO COUNCIL

Building Inspection Department: Inspector Batson stated 39 violation letters were issued in August regarding trash cans

Finance Department: Finance Officer Suggs stated that council approved a resolution on 8/15/06 entering into an agreement with BB&T for purchase of generators that contained an incorrect interest rate of 4.1%. Council needs to adopt resolution R06-03 to correct the interest to 4.19%.

ACTION –Commissioner Ufferman MADE THE MOTION to approve resolution R06-03. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Fire Department: report submitted

Police Department: report submitted

Public Works Department: Director Beeker stated that:

- patch work south of K avenue will begin 9/20/06
- will take about two weeks to complete
- next step is resurfacing

Town Clerk: No items



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COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

- 1) ADA Committee: chair Alphin stated that the committee:
 - voted to accept the mission statement as currently written on the website and requests “dedicated in honor of both Richard and Dottie Peirce” be added at the end of the mission statement
 - addressed Planning and Zoning Commission regarding possible ordinance changes on regulations for clearance for sidewalks and driveways
 - worked with the Shoreline Access Committee on the required opening between the bumper of a vehicle and the benches on the walkway

- 2) Beautification: Commissioner Ufferman, speaking on behalf of Chairman Gordon, stated there were two vacancies on this committee and asked council to approve advertising to fill the vacancies

ACTION – Commissioner Ufferman **MADE THE MOTION** to direct the clerk to advertise the two vacancies on the committee. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

- 3) Citizens Beach Protection (Re-nourishment): Chair Tom Barber stated that his committee:
 - is creating beach etiquette refrigerator magnets
 - will be featured in the November issue of Snow’s Cut magazine
 - is sponsoring Beach Sweep is scheduled for 10/7/06-meet at the pier at 9 am
 - is sponsoring Beach Information Nigh is scheduled 10/23/06 at 6:30pm with the following speakers:
 - Glen McIntosh w/ US Army Corps of Engineers on beach renourishment
 - David Nash w/ NC Extension Services on sand dunes and beach vitex
 - JD Potts w/ NCDENR on sea water quality and testing
 - Mike Burchell w/ NC State Univ. on storm water systems installed on Atlantic Avenue.
 - is planting 7,000 sea oats
 - is proceeding with re-nourishment

- 4) Community Center: Chair Frances Regan stated:
 - Thank you to volunteers and participants in the BBQ dinner - \$1100 was made before expenses
 - Lots of requests for use of center are being received
 - Community Spirit Awards Dinner scheduled for 3/30/07

- 5) Emergency Management: no report



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- 6) Park Bond Referendum: Commissioner Ufferman stated the next meeting is 9/26/06 at 10am at town Hall.
- 7) Shoreline Access and Parking: Chairman Keener stated:
- Member Tom Barber resigned due to other commitments – asked council to authorize advertising for replacement
 - A presentation by Central Parking and Lanier Parking will be held on 10/3/06 at 5pm at Town hall on parking plan proposals.

ACTION – Commissioner Dugan **MADE THE MOTION** to direct the clerk to advertise for one vacancy on the Shoreline Access and Parking committee. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

- 8) Storm water management: no report
- 9) KB Marketing Advisory: no report

OLD BUSINESS:

1) Recommendation to council from Planning and Zoning Commission regarding draft Land Use Plan

Commissioner Lambeth read the recommendation from Planning and Zoning Commission endorsing the draft Land Use Plan, stated the subcommittee spent six hours with the Cape Fear Council of Government reviewing the draft plan, and announced that a public hearing and special meeting would be held on September 27, 2006 at 7pm for adoption of the plan.

Said recommendation is herein included as part of these minutes as attachment A.

NEW BUSINESS:

1. NC Beach, Inlet & Waterway Association

Betty Medlin, of the Board of Directors, asked the council to purchase a sponsorship of a conference to be held November 13 and 14, 2006.

After discussion, council requested Ms. Medlin provide additional information regarding how much of funding received goes towards operating expenses and how much goes to lobbying in DC along with additional information as to the purpose of the group.

2. Rezoning Petition – Tucker's Square

Ten residents of Tuckers Square submitted a petition requesting rezoning of the area and bordering streets to single family residential with the following areas specifically requested:

- both sides of Mississippi Avenue
- both sides of Searay between Alabama and Mississippi Avenue



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- the section of Pinfish Lane between Alabama and Mississippi Avenue
- the section of Alabama from Pinfish Lane to Spot Lane
- the section of Spot Lane that runs between Alabama and Mississippi Avenue

Mr. Peter Boulter addressed the council and stated that Tucker's Square is a good family area, with 17 children of school age, and the purpose of the rezoning request is to preserve the nature of the environment.

ACTION – Commissioner Ufferman **MADE THE MOTION** to refer the petition to the Planning and Zoning Commission for review and recommendation. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said petition is herein included as part of these minutes as attachment B.

3. Approval of resolutions for execution of public access grant contracts
Mayor Pro Tem Montgomery stated that the Shoreline Access and Parking Committee had received \$180,000 in CAMA grant funding for the following:
Public Access and Beach Access Parking Improvement
Bike Rack Installations Beach Access
K Avenue Public Restroom Facility
Upgrade Handicapped Parking at Seven Access sites
Acceptance of the grants obligates the town to \$60,037.00 in cash and non-cash contributions, which will require a budget amendment.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to approve budget amendment # 03 and resolutions R06-04 through R06-07 for acceptance of these grants. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said budget amendment # 03 and resolutions R06-04 through R06-07 are herein incorporated as part of these minutes as attachments C through G respectively.

ACTION – Mayor Fuller called for a ten minute recess at 9:05pm.

ACTION – Mayor Fuller resumed the meeting at 9:15pm.

4. Revision to Drug Policy re blanket accident testing
Commissioner Dugan explained that the Drug Policy approved by the Council on 6/20/06 contains language that potentially violates an employee's Fourth Amendment rights per Diane Juffras, Assistant Professor of Law, School of Government. Council needs to approve revision to two section of the policy as follows to be in compliance:
a) Replace section G under Confidentiality with new language provided
b) Add additional language provided to section B under Testing

ACTION – Commissioner Dugan **MADE THE MOTION** to adopt the substitute language in the personnel policy. Commissioner Ufferman seconded the motion.



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THE VOTE OF APPROVAL WAS UNANIMOUS. Said revisions are herein incorporated as part of these minutes as attachment H.

5. Draft ordinance for possession or harboring of dangerous animals – amendment to section 4-5 of the Code

Attorney Canoutas explained that:

- the Public Works and Police Departments have encountered problems with animals when trying to read meters or approach properties
- Wilmington does not have an ordinance, but addresses each problem individually
- Section 4-5 would be amended to add the following:

Any Town employee who by virtue of their providing utility services should be threatened or attacked by an animal as described in (a) above, the Town shall notify the owner to take appropriate measures to protect the Town's employees and failure to do so by the owner will cause the Town to discontinue such utility service to the owners property until such time as the animal threat is abated.

Comments from those in attendance included how one defines a dangerous animal, who determines if an animal is dangerous, what procedure the county uses, and whether there is a defined list of dangerous animals.

ACTION – consensus of council was for the attorney to provide a revised draft at the October meeting.

6. Adoption of Schedule of Fees

Mayor Fuller stated that the town is required to post a schedule of all fees charged by the town.

ACTION – Commissioner Ufferman MADE THE MOTION to adopt the schedule of fees with two additions: 1) Application for minor subdivision – per lot \$200.00
2) Subdivision Appeal – TRC to Planning Board \$150.00 and TRC to BOA \$450.00
Mayor Pro Tem Montgomery seconded the motion with the stipulation that once approved, the list be posted on the town's website and a copy available in Town Hall.
THE VOTE OF APPROVAL WAS UNANIMOUS. Said Schedule of Fees is herein incorporated as part of these minutes as attachment I.

7. Fort Fisher State Recreational Area Advisory Committee

Mayor Pro Tem Montgomery stated that the Fort Fisher State Recreational Area Advisory Committee has requested one of the town's council members be on their Committee

ACTION – Commissioner Lambeth MADE THE MOTION to appoint Mayor Pro Tem Montgomery as the representative for the Fort Fisher State Recreational Area Advisory



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

PERSONS TO ADDRESS COUNCIL:

None

COMMISSIONERS' ITEMS:

Commissioner Ufferman announced that there will be a work session with the Town Council and the Beautification Committee on 10/10/06 at 6pm and additional notification will be forthcoming.

Commissioner Dugan stated that the lifeguard season is over and that it was an extremely safe year with no drownings or serious rescues.

Commissioner Lambeth publicly thanked the Planning and Zoning Commissioner for the work they put in on the draft Land Use Plan, particularly Ken Buchert and Allan Votta.

Mayor Pro Tem Montgomery announced there would be a regional public meeting on 9/28/06 in Bolivia of the Division of Water Quality on Phase II of the Stormwater General Assembly requirements.

ATTORNEY'S ITEMS:

None

MAYOR'S ITEMS:

None

CLOSED SESSION –consultation with attorney

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to go into closed session for consultation with attorney at 9:58pm. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to return to open session at 11:14pm. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

Mayor Fuller stated the purpose of the closed session was for a discussion of continuing legal attorney/client privilege issues.



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ACTION – Commissioner Dugan MADE THE MOTION to refer to Planning and Zoning Commission a request to consider repealing section 19-323.5 of the Code of Ordinances, with a recommendation to be presented to council on 10/10/06. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADJOURNMENT

ACTION – Commissioner Ufferman MADE THE MOTION to adjourn at 11:16pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Tim Fuller, Mayor

ATTEST: _____
Nancy Avery, Town Clerk