



KURE BEACH TOWN COUNCIL

REGULAR MEETING
October 10, 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 October 10, 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
Fire Dept	Harold Heglar
Police	Dennis Cooper
Public Works	Sonny Beeker
Town Clerk	Nancy Avery

Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:30 p.m. Mr. Richard Graham delivered the invocation. Mayor Fuller led the pledge of allegiance.

RECOGNITION AND AWARDS

Commissioner Dugan announced and thanked Public Works Director Sonny Beeker for stopping and administering CPR to a local resident and Police Chief Dennis Cooper and Officer Daniel Soggie for their prompt arrival and use of a defibrillator on the resident. Both actions resulted in saving the resident's life.

PERSONS TO ADDRESS COUNCIL:

1) Jonathan Batts, City of Wilmington Parks & Recreation Department, announced that the Polar Plunge will be held February 17, 2007, 3pm, at the gazebo in Carolina Beach. Mr. Batts stated that last year's event raised \$32,000 which benefits the Special Olympics. Additional activities scheduled will include an amateur shag contest at 11am and an awards dance at 8pm to be held at the Marriott in Carolina Beach.

2) Sid Causey, New Hanover County Sheriff, was introduced by Police Chief Cooper. Sheriff Causey stated:

- Kure Beach has a very professional police department, unlike most small towns
- Kure Beach's police department has always helped out whenever needed



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- o New Hanover County has available for the town's use: sonar and 18 foot boat; dive team; \$125,000 robot to handle suspicious packages; and a helicopter.

APPROVAL OF CONSENT AGENDA

ACTION - Commissioner Dugan MADE THE MOTION to accept the consent agenda with no changes or additions. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

ACTION – Commissioner Dugan MADE THE MOTION to adopt the agenda with no changes or additions. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

DEPARTMENT HEADS' ITEMS TO PRESENT TO COUNCIL

Building Inspection Department: no items

Finance Department: Finance Officer Suggs requested council approval as follows:

- 1) Request for write off for \$315.39 owed the water fund by Coastal Plain Utilities, a company that is no longer in business.

ACTION –Commissioner Ufferman MADE THE MOTION to write off \$315.39 owed by Coastal Plain Utilities. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

- 2) Request to reimburse employee tuition for Miller Motte College for employee Jennifer Watson up to a maximum of \$500.00 as allowed by the Personnel Manual.

ACTION –Mayor Pro Tem Montgomery MADE THE MOTION to reimburse Ms. Watson up to a maximum of \$500.00 with a grade of C or better as part of this fiscal year. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL AS UNANIMOUS

- 3) Adopt resolution allowing one of the two required signatures on payroll checks to be a facsimile signature.

ACTION –Commissioner Ufferman MADE THE MOTION to adopt the resolution as presented. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said resolution is herein incorporated as part of these minutes as attachment A and is identified as resolution R06-11.

Fire Department: report submitted



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Police Department: report submitted

Public Works Department: Director Beeker informed residents that a pump will be running all night and should be turned off in the morning.

Town Clerk: Town Clerk Avery requested council consideration of the following:

- 1) Draft resolution R06-09 allowing volunteer firemen to participate in health, dental, vision and life insurance plans - requires participant to pay full cost of insurance.
- 2) Draft resolution R06-10 allowing elected officials to participate in health, dental, vision and life insurance plans - requires participant to pay full cost of insurance.

Clerk Avery stated that:

- adoption of resolutions is required by the League of Municipalities to allow additional groups to participate in the health plan
- 85% participation of all enrolled in the plan is required or rates may be impacted
- If participation is less than 85%, enrollees not participating must prove they have credible insurance coverage
- Addition of new groups not previously covered during the middle of the program year subjects them to a pre-existing clause, meaning any condition previously treated for would not be covered. If same groups are added at the beginning of the program year, the pre-existing clause would not be required

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to table decision on adoption of both resolutions until the November meeting to give council more time to review. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

- 1) **ADA Committee:** Chair Alphin stated that the committee:
 - thanked town hall staff for compiling and copying instruction books for them
 - the NC accessibility Code takes the subjectivity out of requirements
 - is considering changing it's name
- 2) **Beautification:** Chair John Gordon stated the committee needs volunteers for a tree planting to be held November 11, 2006, 9am, on 6th Avenue. Volunteer labor is required as part of the grant received for the trees.



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- 3) Citizen Beach Protection – Chair Tom Barber stated:
- Beach information night will be held October 23 at 6:30pm at the Community Center
 - Vitex has been found on the beach near the 2100 building of Ocean Dunes
 - 6,000 sea oat seedlings have been planted
 - Beach Sweep was a success with the most unusual piece of trash found being a doll mannequin head and a pair of false teeth

4) Community Center: Chair Frances Regan requested council consideration of the following:

- a) approve time minimum of four hours for rental of center.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to amend the community center contract to allow the requirement of a minimum of four hours for rental of the center. Commissioner Ufferman seconded the motion. THE VOTE CARRIED FOUR TO ONE as follows:

Commissioners Lambeth, Montgomery, Ufferman and Mayor Fuller in favor
Commissioner Dugan against

- b) Vacancy advertisement in the newspaper due to the resignation of Mary Vann

ACTION – Commissioner Ufferman MADE THE MOTION to direct the Town Clerk to advertise in the newspaper for one vacancy on the Community Center Committee. Mayor Pro Tem Montgomery seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

5) Emergency Management: no items

6) Park Bond Referendum: no items

7) Shoreline Access and Parking: Chairman Keener requested council approval to advertise again to fill the vacancy since no applications were received from the prior advertisement.

ACTION – Commissioner Ufferman MADE THE MOTION to direct the clerk to re-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



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9) KB Marketing Advisory: no report

ACTION – Mayor Fuller called for a ten minute recess at 8:35pm.

ACTION – Mayor Fuller resumed the meeting at 8:45pm.

OLD BUSINESS:

1) NC Beach, Inlet & Waterway Assoc (tabled from 9/19/06 meeting)

Resident Betty Medlin requested council sponsor, in some form, the conference to be held November 13 and 14, 2006. Sponsorship will show that the Town of Kure Beach supports the association which is a big voice in Washington.

ACTION – Commissioner Dugan MADE THE MOTION to donate \$350 for a sponsorship contribution. Commissioner Ufferman seconded the motion. THE VOTE FAILED THREE TO TWO as follows:

Commissioners Lambeth, Montgomery and Mayor Fuller against
Commissioners Dugan and Ufferman in favor

2) Rezoning Petition – Tucker’s Square

Mayor Fuller announced that Planning and Zoning discussed the rezoning request referred to them by council 9/19/06 at their 10/3/06 meeting and tabled until the November meeting to allow time for additional research.

3) Repeal of section 19-323.5- Minimum Use of Lot

Commissioner Lambeth explained that Planning and Zoning voted to recommend council amend rather than repeal section 19-323.5 to add the following verbiage:

“provided that the property has not been used as commercial use since 1990”.

Commissioner Lambeth further stated that the Town Attorney suggested modifying the recommendation by Planning and Zoning by changing “since 1990” to “the adoption of this code originally in 1971”, so that the amended section would read:

A single-family dwelling shall be permitted in all districts **provided that the property has not been used as commercial use since the adoption of this code originally in 1971**, and provided that it conforms to the RA-1A residential requirements

ACTION – Mayor Fuller MADE THE MOTION to accept Planning and Zoning’s recommendation with the date modified by the Town Attorney. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to schedule a public hearing on the proposed amendment for Monday, November 6th, 2006 at 6:30pm.



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

NEW BUSINESS:

1. Planning & Zoning Commission recommendation regarding consulting firm for B-1 District urban plan

At their October 3, 2006 meeting, the Planning and Zoning Commission voted unanimously to recommend to Town Council the hiring of the firm of John Sawyer Architects for the purpose of developing a master plan for the B1 district. Estimated cost \$45,000.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to accept the recommendation of Planning and Zoning to hire John Sawyer Architects and to authorize Commissioner Lambeth, Mayor Fuller and P&Z Chair Votta to determine the scope of the work, determine the actual cost, and bring this information to the next meeting. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

2) Committee recommendation on NHC Parks/Recreation Bond money
Public Works Director Beeker introduced Mike Eason with Playground Equipment Supply. Mr. Eason supplied council members with an information package on type of equipment recommended and a table of costs. Mr. Eason stated completion time would be approximately eight weeks.

ACTION – Commissioner Ufferman **MADE THE MOTION** to approve purchase of playground equipment using bond money not to exceed a cost of \$45,000.00 with the condition the contract be amended regarding the quote before signing. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

3) Pedestrian/Bike Path Grants

Mayor Fuller explained that:

- the Department of Transportation is offering a bicycle and pedestrian planning grant initiative with a deadline of December 31, 2006.
- Ted Lashley, Carolina Beach, requested Kure Beach apply jointly with them for a grant for a bicycle/pedestrian path to run from Snow's cut to the rocks below the ferry landing
- DOT won't accept a joint application, so each town must file parallel grants and do separate resolutions

ACTION –Consensus of council is for Commissioners Dugan and Ufferman, Mayor Fuller and Public Works Director Beeker to contact the grant writer to work on this and have a resolution for adoption at the November meeting.



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4) Ordinance changes needed for updated Land Use Plan

Mayor Fuller explained that:

- o council adopted an updated Land Use Plan that goes before the Coastal Resource Commission for approval in November 2006
- o once approved, the town's ordinances must be brought into compliance with the Land Use Plan
- o the first step in the process is for Planning and Zoning to review changes recommended by the Land Use Plan subcommittee

ACTION – Commissioner Dugan **MADE THE MOTION** to refer the proposed development, zoning and building regulation changes to Planning and Zoning with the direction to start with item number one until council determines and provides priority of each item. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

5) Approval of budget for thank you dinner for town volunteers

Mayor Fuller explained that a dinner honoring the volunteers of the Town of Kure Beach is scheduled for Wednesday, November 29, 2006 from 6:15 to 8:00pm at the aquarium. Estimated budget is \$9,000 to include dinner for 175, gifts for 120 volunteers, rental of the aquarium, rental of tables, chairs, linens, etc.

ACTION – Mayor Fuller **MADE THE MOTION** to approve the \$9,000.00 budget to be taken from the general fund. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

PERSONS TO ADDRESS COUNCIL:

None

COMMISSIONERS' ITEMS:

Mayor Pro Tem Montgomery stated the storm water committee has five members, is drafting an ordinance and preparing public education materials.

Commissioner Lambeth thanked Planning and Zoning for their work and everyone for the flowers, gifts and calls he received about his daughter's operation.

Commissioner Dugan thanked all the committees and stated he appreciates all of their work.



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Commissioner Ufferman thanked the staff for the agenda notebook.

ATTORNEY'S ITEMS:

None

MAYOR'S ITEMS:

Mayor Fuller announced the Seafood Jazz and Blues Festival is this weeked.

CLOSED SESSION –consultation with attorney

ACTION – Commissioner Ufferman **MADE THE MOTION** to go into closed session for consultation with attorney at 10pm. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION – Commissioner Ufferman **MADE THE MOTION** to return to open session at 10:19pm. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS**

Mayor Fuller stated the purpose of the closed session was to discuss a mediated settlement regarding Mr. Jim Ring. Council consensus was to accept Mr. Ring's interpretation and directed attorney to draft a letter to Mr. Ring.

ADJOURNMENT

ACTION – Commissioner Ufferman **MADE THE MOTION** to adjourn at 10:21pm. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Tim Fuller, Mayor

ATTEST: _____



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Nancy Avery, Town Clerk

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