

KURE BEACH TOWN COUNCIL

REGULAR MEETING
December 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 December 19, 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
Police	Dennis Cooper
Fire Dept	Harold Heglar
Town Clerk	Nancy Avery

STAFF ABSENT:

Finance	Susan Suggs
Public Works	Sonny Beeker

Town Attorney A.A. Canoutas was in attendance.

CALL TO ORDER

Mayor Fuller called the meeting to order at 7:30 p.m. and delivered the invocation, after which he led the pledge of allegiance.

RECOGNITION AND AWARDS

Commissioner Jim Dugan presented Francis Jones, former Town Clerk for the Town of Kure Beach, with a resolution from the N. C. League of Municipalities. The resolution states that the delegates voted to honor Ms. Jones for her faithful service and lasting contributions to good municipalities. It also stated that this resolution of appreciation for service would be a part of the permanent record of the N. C. League of Municipalities. Ms. Jones gave a short speech, thanking everyone for their appreciation.

PERSONS TO ADDRESS COUNCIL:

Jerry Hammill stated that he is concerned about the 3 foot setback required for the pier deck that Mike Robertson is building and asked council to reconsider. Mr. Hammill stated he is speaking for the general public, not for Mr. Robertson.

APPROVAL OF CONSENT AGENDA

1. Council Minutes: 11/21/06
2. Police Report: November 2006
3. P & Z draft minutes: December 5, 2006
4. Fire Chief Report: November 2006
5. Building Inspector Report: November 2006
6. Finance Report: November 2006



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7. Town Clerk Report: November 2006
8. Hold Harmless for property at 637 Fort Fisher Blvd for Fire Department training

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

ADOPTION OF THE AGENDA

The Town Clerk requested that the subject of contracting Iron Mountain for document shredding services be added to the agenda under Department Heads' Items to present to Council. Commissioner Dugan requested that an item be added under New Business regarding the weekly staff meetings at Town Hall. This was added as Item #10 under New Business on the Agenda. Mayor Pro Tem Montgomery added a closed session for consultation with the attorney.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adopt the Agenda along with the 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: No items

Fire Department: No items

Police Department: No items

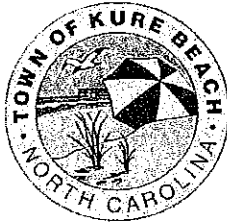
Public Works Department: No items

Administration:

Town Clerk Avery requested the approval of the revised job description for the customer service/administrative assistant position.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to approve the revised job description for the customer service administrative assistant position. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said job description is herein incorporated as part of these minutes as Attachment A.

Town Clerk Avery requested the approval of the job description for the administrative assistant position filled in November 2006.



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ACTION – Commissioner Ufferman **MADE THE MOTION** to approve the job description for the administrative assistant position filled in November. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said job description is herein incorporated as part of these minutes as Attachment B

Town Clerk Avery requested the approval of the short-term contract with Iron Mountain for document shredding. Town Hall would have two 65-gallon containers from Iron Mountain to put its discarded documents in for shredding while purging old files from Town Hall. The town is only obligated to keep the contract for 30 days, but no more than three months would be needed for this service. The cost to the town would be \$55 per pickup, not to exceed \$300 during the contract period.

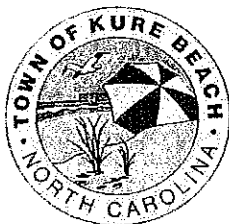
ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to accept the contract with Iron Mountain, not to exceed \$300 for shredding. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

COMMITTEE REPORTS OR ITEMS TO PRESENT TO COUNCIL

- 1) **EOC:** Commissioner Dugan stated that, after the first of the year, the town council will be getting together with the department heads to discuss potential budget items. At that time, David Heglar will update everyone on the progress made by the EOC. Mayor Pro Tem Montgomery suggested that the EOC might want to consider updating the emergency plan to involve other emergencies besides hurricanes. Commissioner Dugan confirmed that the EOC will be adding other items, including nuclear emergencies.

- 2) **ADA Committee:** Commissioner Lambeth said the ADA committee had voted to use funds from the Dottie Pierce Memorial Fund to purchase a handicap picnic table for the park at the cost of about \$450. Commissioner Dugan suggested that the committee might want to buy the picnic table out of the Park Bond Referendum money and use the memorial fund money for something else.

- 3) **Beautification:** Committee member, Barry Nelder addressed the council as follows:
 - He asked the Town Council to consider moving, rather than removing, the palm trees that were discussed during November's Town Council meeting. Mayor Pro Tem Montgomery asked Mr. Nelder to present the council with a diagram showing what the Beautification Committee would like to do with the palm trees that were supposed to be removed.
 - The committee will be moving forward with the Town Hall landscaping.
 - Mr. Nelder will be giving Town Clerk Avery a copy of the results of the survey conducted on the town's behalf by Sawyer and Associates, if anyone would like to see the results. Said survey is herein incorporated as part of these minutes as Attachment C.



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4) **Citizen Protection/Beach Renourishment:** Committee Chairperson Tom Barber addressed the Town Council as follows:

- He stated that the Corps of Engineers issued a letter to proceed with the dredging project, including a Part B that has been added. The project is proceeding down at Ocean Isle beach then will come up to Carolina Beach & Kure Beach. The corps has 108 days to complete the entire project. Mr. Barber passed around a copy of the semi-annual report, which included pictures and data of the project.
- The committee is creating a proposal to ban beach vitex, which is a plant that is detrimental to beach environment.
- The committee is working on creating a “beach etiquette” magnet for residents to put on their refrigerators.
- The committee has been given 10,000 sea grass seedlings. The total value of the seedlings is over \$25K. The committee will need volunteers to plant them sometime in January.
- He commented that there was a nice article in Snow’s Cut Magazine this month regarding beach renourishment.

5) **Community Center:** No items

6) **KB Marketing Advisory:** No items

7) **Shoreline Access and Parking (SLAP):** Committee Chairperson, Chuck Keener, requested that Sandra Whaley be approved to be a member of the SLAP committee.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to accept Sandy Whaley as a member of the SLAP Committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

8) **Parks & Recreation Advisory:** No items

9) **Storm Water:** Mayor Pro Tem Montgomery announced that Eric Vann is the new chairperson of the committee and that Karen Varrt is the Vice Chair.

10) **60th Anniversary:** No items

OLD BUSINESS:

1) Consideration of loan application for water tower capital project.

On 11/21/06, council voted to schedule a public hearing for 12/19 at 6:30pm to discuss a loan for \$995,000 for the water tower project. Sufficient documentation was not available for the Town Clerk to advertise the public hearing on 12/19. The town council needs to



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schedule another date to hold the public hearing. Commissioner Ufferman said that he, Finance Officer Suggs, and Town Clerk Avery will be meeting with the State Treasurer on January 22, 2007, to get the process rolling for a \$995,000 loan for the water tower project.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** to reschedule the public hearing for the loan application for the water tower construction for February 20th @ 6:30pm and to direct the Town Clerk to advertise same. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

NEW BUSINESS:

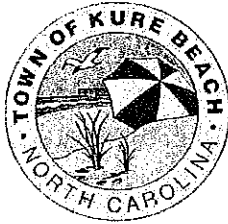
1) Consideration of amendment to section 3-1(c) of the Code of Ordinances. Currently Section 3-1(c) of the Code of Ordinances reads as follows: “It shall be unlawful for any person to possess malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.”

Mayor Pro Tem Montgomery has recommended amending the ordinance to read as follows: “*Possession during special events.* It shall be unlawful for any person to possess alcoholic beverages, malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless specifically authorized by the Town Council of the Town of Kure Beach and the North Carolina State Board of Alcohol Control Regulations, when applicable.”

Mayor Pro Tem Montgomery noted that Kure Beach’s current code prohibits the possession of alcohol in an open container anywhere out in public. The council isn’t trying to change this code but would like to provide an ordinance that is enforceable for the sale of beverages during special events. He gave the example of the upcoming 60th Anniversary’s street fair as an event for which the town would be able to use the newly worded ordinance.

Commissioner Dugan asked the council if there was a benefit to the town to sell alcoholic beverages during special events. Mayor Pro Tem Montgomery said there is a benefit of revenue from taxes on the sale of the beverages. Mayor Fuller stated that, during the 60th Anniversary celebration, there will be a designated, fenced-in area where participants can purchase and consume alcoholic beverages.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** that the council adopt the change as presented to Section 3-1(c) of the Code of Ordinances for the Town of



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Kure Beach. Commissioner Ufferman seconded the motion. **THE VOTE CARRIED FOUR TO ONE** as follows:

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

2) Consideration of work session with staff to be held in January. Mayor Fuller said that the suggested dates of 1/20/07 and 1/27/07 are in conflict with some of the department heads, so he asked for other ideas from the council and staff. It was decided that the staff meeting would be held on February 3rd.

ACTION – Commissioner Dugan **MADE THE MOTION** to schedule a Town Council work session, planning retreat for Saturday, February 3rd, at 9AM at the Community Center. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

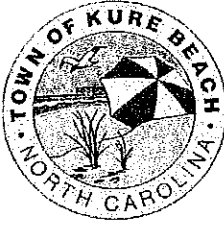
3) Consideration of projected revenues over expenditures. Commissioner Ufferman said that this year's budget was severely cut with the intention that, if the town had extra money leftover at the end of 2006, some of the cut items would be put back on the budget. With the help of Mayor Fuller and Finance Officer Suggs, the town earned \$88,269.04 in interest income. Commissioner Ufferman provided the council with a list of items to be put back into the budget. One of the proposed expenditures is new radios for the police and fire departments. Police Chief Cooper said that the police department's current analog radios, which were bought in 1998, would be replaced with digital radios. Currently the police and fire departments have 40 radios between them (22 for the police department and 18 for the fire department). The old radios would be given to the lifeguards to replace their current radios, if the budget items are approved.

ACTION – Commissioner Ufferman **MADE THE MOTION** to approve the budget amendment allocation of \$146,863 from the general fund/fund balance. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said budget amendment is herein incorporated as part of these minutes as Attachment D.

4) Consideration of budget amendment for additional funding for newsletters. This item was included and approved during the last vote under New Business item #3.

5) Consideration of budget amendment for purchase of map filing cabinets for Building Inspector's office.

This item was included and approved during the last vote under New Business item #3.



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6) Consideration of advertisement for, or appointment of, person to serve as Kure Beach representative on the Wilmington MPO Transportation Advisory Committee Bicycle subcommittee. Mayor Fuller entertained a motion to authorize the Town Clerk to find someone to be a representative for the Town of Kure Beach on this subcommittee.

ACTION – Commissioner Ufferman **MADE THE MOTION** to authorize the Town Clerk to advertise for applicants to serve on the subcommittee and for that person to be approved at the January meeting. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

7) Consideration of proposal for additional parking in existing right of way on K Avenue. Mayor Fuller said that the town council was approached through its business advisory committee to add additional parking along K Avenue. He stated that the town currently has the existing right of way, so no acquisition of the property would be involved in the action. The DOT has given tentative approval of this project, based on a thorough engineering and review process. The preliminary sketch has been shared with town council, town staff and the SLAP committee. Approximately 15-25 parking spaces would be added along the north side of K Avenue. Mayor Fuller referred this to the SLAP Committee for them to study and to make their recommendations at the next Town Council meeting in January. Mayor Fuller asked the Town Clerk to run a newspaper ad stating that the SLAP Committee will be looking at possible additional parking on K Avenue. Town Attorney Canoutis said in order to advertise the meeting a motion would need to be approved.

ACTION – Mayor Pro Tem Montgomery **MADE THE MOTION** that the Town Clerk advertise that the SLAP committee will meet on January 2nd at 5PM to discuss possible additional parking spaces on K Avenue. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

8) Consideration of proposed parking ordinance for beach accesses. SLAP Committee Chairperson, Chuck Keener, said that the town has a lot of signs that say “No Overnight Parking,” but the town doesn’t have an actual ordinance established that the Chief of Police can enforce. Town Council requested that the SLAP Committee discuss this at their next meeting and come up with a recommendation for wording of the ordinance to present to council.

9) Consideration of water and sewer fund balance. Commissioner Ufferman said that, at present time, \$80,000 has been paid into the town’s water and sewer project. The town wants to borrow \$995,317.50. He suggested the town obtain a 5-year loan so as to not leave future councils in debt. All but \$500,000 for the sewer rehabilitation has been paid. Commissioner Ufferman recommended a work session in January to discuss the possibility of increasing the water and sewer rates. Commissioner Dugan said the town



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needs to take a look at rates versus project costs in order to maintain the facilities. In addition to the water and sewer project, there are a number of financial obligations that the town needs to take a hard look at. Mayor Pro Tem Montgomery said the town needs a plan to keep its infrastructures functioning over the next 15-20 years. The main sewer line will need to be rehabilitated, and this will be a very expensive project.

ACTION – Commissioner Ufferman **MADE THE MOTION** to schedule a work session to discuss financing the infrastructure project for Tuesday, January 16th @ 6pm. Mayor Pro Tem Montgomery seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Commissioner Ufferman thanked Public Works Director, Sonny Becker, and the entire Public Works department for erecting the new playground equipment at Joe Eakes Park. He said that the equipment is from the Park Bond Referendum fund, and that, as soon as he gets the invoice, he'll run it over to the New Hanover County finance department to be paid.

10. Discussion of the weekly staff meetings held at Town Hall. Commissioner Dugan explained that the Town Council meets every week with all the department heads. The councilmen rotate the weeks they attend so they don't all have to be there every week. He suggested that a report be created, giving details of actions the council has directed department heads to take, and that it be distributed to all council members. He commented that sometimes members of council don't know something is going on until right before the Town Council meeting. Mayor Fuller felt that the minutes taken during the meeting would be sufficient and said that he and Mayor Pro Tem Montgomery would be more diligent about getting the information to the councilmen before Town Council meetings. Mayor Pro Tem Montgomery said the point was well taken and they would try to get the missing council members a copy of the minutes as soon after the staff meetings as possible.

Commissioner Dugan also reminded the members of council to fill out their insurance statement requests.

PERSONS TO ADDRESS COUNCIL:

Gilbert Alphin, chairman of the ADA committee, came forward to state that he had found a copy of the staff meeting minutes. He stated that there was something in those minutes referring to the fire that took place on Kure Beach and that he'd like to have a work session with the ADA committee, the council, and the fire department. Fire Chief Heglar said he would not want to include the volunteers in the meeting, since the issues to discuss had more to do with administration than with the entire fire department. Mayor Fuller suggested that Mr. Alphin take up his issues at the next fire department meeting and let the council know the outcome.



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COMMISSIONERS' ITEMS:

The Commissioners wished everyone a Merry Christmas.

Commissioner Dugan hopes to see everyone down at the pier for the fireworks display on New Year's Eve. He thanked everyone for a great year.

Commissioner Ufferman commended the town for its excellent committee members and town employees. He said that it has been a tough year, but a good year. Go Buckeyes!

Mayor Pro Tem Montgomery asked everyone to remember that the trash collectors would be coming by early morning on the day after Christmas. He stated his admiration for their hard work and reminded everyone to keep their trash neatly together for them.

Commissioner Lambeth thanked the fire department for assisting his wife during an emergency.

ATTORNEY'S ITEMS:

Town Attorney Canoutas said "thanks for the memories."

MAYOR'S ITEMS:

Mayor Fuller wished everyone a Merry Christmas and said it has been a good year, in spite of losing some friends and in spite of the fire down at Ocean Dunes last month. He thanked his fellow council members for their hard work, enthusiasm, diligence and their sincerity.

PERTINENT ITEMS WHICH MAY REQUIRE COUNCIL ATTENTION:

Police Chief Cooper said the police department will remain open over the Christmas holiday.

CLOSED SESSION:

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to go into closed session at 8:53pm for the purpose of consulting with the town attorney on legal matters. Commissioner Ufferman seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adjourn closed session at 9:50pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



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Town Council returned to open session at 9:52pm. Mayor Fuller stated that council had sought advice from the town attorney on potential legal issues and no action was taken during closed session.

ACTION – Commissioner Ufferman **MADE THE MOTION** to refer the Tucker Square rezoning request back to Planning and Zoning for further consideration of the area to be rezoned with the condition that before another public hearing is held, written notice be sent to every property owner along with notice of procedure on filing a protest petition. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ADJOURNMENT

ACTION – Commissioner Lambeth **MADE THE MOTION** to adjourn at 9:56pm. Commissioner Ufferman seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Tim Fuller, Mayor

ATTEST: _____
Nancy Avery, Town Clerk

Minutes prepared by Nancy Hewitt, Administrative Assistant