

**KURE BEACH TOWN COUNCIL**

**CONTINUED MEETING OF JANUARY 18, 2005**

**JANUARY 26, 2005**

Mayor Medlin called the continued meeting of January 18, 2005 back in session welcoming everyone to the meeting.

All Commissioners and Attorney Canoutas, Police Chief Cooper and Public Works Director Beeker were present.

Mayor Medlin mentioned that as Council had not completed all agenda items at the meeting, she would like to add two items, one with Public Works Director Beeker and one with Police Chief Cooper to address Council.

Comm. LeQuire requested adding to the agenda discussion of the business summit documentation (under New Business). She also requested Council send a letter to Planning & Zoning and request recommendations from them. Also she would like to add appointment to the Board of Adjustment.

Mayor Medlin noted these could be added under New Business.

Mr. Gilbert Alphin mentioned that ADA also has some information.

**Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to amend the agenda as noted. Motion approved.**

Chief Cooper advised Council that he is asking permission to file for a grant—Governor's Crime Commission pre-application is due January 31, 2005. Grant is for software titled Police Pac—software enables the Police Department to have instant data base....grant is 75/25—federal government will pay 75% and Kure Beach portion 25% software package, installation and training support, etc., is approximately \$28,000—cost to Kure Beach approximately \$7,000.00—one-time cost. This will not effect this year's budget. Will be a budget item FY 05/06—pre-application requires Mayor's signature and he would like to request Council's approval.....there is no guarantee that Kure Beach will receive grant but want to at least apply—if we got chosen by the committee we will know sometime around the first of April, if awarded, will be awarded that amount in May and training would begin July 1.

Comm. Fuller noted that Chief Cooper had mentioned interoperable sharing of information and asked if it will be compatible with New Hanover County, the state or

Chief Cooper mentioned that it is not compatible with New Hanover County, they are on a different software. This will enable us to have a uniform crime report, Carolina Beach

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and Wrightsville Beach are on this—most agencies with less than 50 employees.....Steve Woodard, our computer person is familiar with the program. He also works with Wrightsville Beach.

**Following additional comments/discussion, motion by Comm. LeQuire and seconded by Mayor Pro Tem Dugan to proceed with submitting the pre-application as outlined by Chief Cooper. Motion approved.**

Public Works Director Beeker referred Council to the copy of the Criser, Troutman & Tanner (CT & T) bids, tabulation and letter of recommendation for construction of the well at Assembly Avenue. He noted the amount of the bid is \$58,912.00 and he would recommend acceptance/approval of the bid.

**Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to grant the bid to A.C. Shultes of North Carolina, Inc. Motion approved.**

#### Increase in Penalty

Comm. Ufferman noted that he would like to make a recommendation to increase the fines for illegal cutting of trees on people's property. He would like to propose that the fine be from \$1,000.00 to \$25,000.00 and he would further propose---that their permit be delayed for ninety (90) days before they could start construction—these people need to be given some “time” penalties. He asked Attorney Canoutas if this is legal.

Attorney Canoutas noted yes sir.

Comm. Ufferman mentioned this (fine) was imposed in another town he was in and the people did not like the time penalty.

Mr. Allo expressed concern about charging \$1,000.00 if you cut something down....He mentioned that he wanted to trim in his area—would he have to get a permit.

Comm. Ufferman noted that he was referring to new construction.

Comm. LeQuire mentioned that per ordinance anyone who trims, cut, etc., is supposed to get a permit, although this has not been enforced, it is in the ordinance.

Comm. LeQuire asked what happened to the prior proposed ordinance increasing the penalty to \$5,000.00.

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Attorney Canoutas mentioned this was not approved as it was deferred until you (Comm. LeQuire) could attend the meeting.

Comm. LeQuire asked if Council could go ahead in order to get this in place....she asked if Council wanted what Comm. Ufferman had requested instead of the \$5,000.00, up to \$10,000.00. She asked if this is the ordinance which had been previously submitted.

**Following additional comments/discussion, motion was made by Comm. Fuller to instruct the Attorney to draft final language incorporating Jennifer's and Bill's suggestion and that we schedule a public hearing prior to the Town Council meeting on Tuesday, February 15.**

Attorney Canoutas advised Council that the entire week of February 14—he will be at a seminar in South Carolina but he will be available by phone 24/7.

In further discussion Comm. Fuller mentioned that Council has already scheduled a public hearing for February 15, and asked Council if they wanted to hold a public hearing on a zoning ordinance change.

Attorney Canoutas mentioned that if Council wanted to continue the meeting until the following week for these items.

In additional discussion, Comm. LeQuire asked if Attorney Canoutas is to redraft these two to incorporate a 90 day hold, increase fine to \$10,000.00 (\$10,000.00 okayed by Comm. Ufferman). Also add verbiage for 90 day delay if ordinance is violated.

Lengthy discussion was held relative to the submission of a landscape plan and Comm. LeQuire mentioned that everyone requesting a building permit, regardless of size, small lot or large lot, has to present a landscaping plan before receiving a building permit. We want to beef that up—the second thing we are talking about is to have the landscaping plan cross referenced in the check-off list preliminary site plan so we not only cover single family, but we also cover the large development.

Mr. Allo, member of P & Z, mentioned that no work should be done on any property until the building application is put forth.

In additional comments, Attorney Canoutas mentioned that technically under the law, Chapter 15 and Chapter 7 do not require public hearings. Chapter 7 could be passed tonight but the reason he is also going with 15 is that he does not want anyone to say they did not know.....Also even though P & Z is intertwined with Chapter 19, there are in

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the sub-division plans, plats, etc., necessary ordinances in Chapter 15 which they should start encompassing—that is the reason for the public hearing.

Discussion was held relative to the ordinance which refers to regulated vegetation .....and it was mentioned that there is an existing ordinance that does limit cutting of trees in the Town of Kure Beach, developed or undeveloped land. It has not been enforced and what Bill and Jen are trying to do is get a consistent and meaningful enforcement.

Mayor Pro Tem Dugan noted that the ordinance refers to certain types of trees and certain thicknesses of trunks.

Discussion was held relative to landscaping and landscaping plans and review of same.... Mainly that the ordinance tress and shrubs.....

Discussion was held relative to a date to hold the public hearing when the Attorney would be present.

It was the consensus of Council to re-schedule the public hearings to February 24, beginning at 6:00 p.m. First public hearing will be for amendments to the B-1(8), and the second will be for ordinance amendment to 7.5 and 15.11.

Comm. Fuller asked if Council can supplement that by asking, referring to proposed changes when the final drafts are made by the Attorney, be referred to P & Z for them to review in their February meeting, make sure it is consistent with the overall effort to make all of this compatible.

Mayor Medlin asked the date of the next P & Z meeting and if Attorney Canoutas can have the draft ready.

It was noted that the P & Z meeting is next Tuesday (Feb. 1) and Attorney Canoutas indicated he could have draft ordinance prepared for them.

Mayor Medlin mentioned the next item was previously added by Comm. Lequire and it was concerning the follow through of 7.5.

Comm. LeQuire mentioned that what she would like to see is, at the P & Z meeting and at the Building Inspection's office, that they have on hand (Sect.) 7.5 that they can hand out to people when they first approach P & Z.

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Following comments, it was noted that copies of Sect. 7.5 can be given to the Building Inspector for distribution when people came in for an application/permit.

Mr. Lambeth asked why this was called a landscape plan.....as it is not a landscape plan....it should be an on-sight survey if the existing trees

Comm. LeQuire explained the different items included in the ordinance and noting that was the way it was set up.

#### Update Riggings Project

Comm. Fuller noted that he has talked with Mr. Steve Goodson and he mentioned that they have hired an architect and he is preparing the conceptual site plan which they will be talking to their homeowners about—they are still interviewing contractors....they have talked about the possibility of handling this on their own up to the point they hand us the deed and a bill.....for monies spent for relocating staff, tearing down and giving us the land.....in return for the grant money. He mentioned that this is not the same process envisioned when the grant was written.....Mr. Goodson has/is talking with Attorney Tim Sullivan and with Stacy High relative to this. Comm. Fuller stated that he felt that the Town needs some type of hold harmless....

Mr. Allo asked if this will go through P & Z.

Comm. Fuller noted yes it would but at this point it is in the early stages....they are in the process of getting information on paper that can be taken to the homeowners....

Mr. Allo asked if they are moving the buildings or building new.

Comm. Fuller noted that their current plan is to build new on the land they own on the west side of the highway.....once they are built and everyone has moved in, they will demolish the present ones.

Attorney Canoutas noted this area (once units are demolished) will be a park as it can never be built on.

Comm. Fuller mentioned that so far the Town has incurred no cost.

Comm. Ufferman mentioned that he had talked with Susan regarding the number of hours she has put into this and she indicated she is keeping a record of her hours.

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Comm. Fuller noted that originally the plan was that they would periodically present cost incurred to date. We would then apply for reimbursement for those costs under the grant money. Now they are saying they will wait until the end of the project and bring it all at one time. He suggested to them that they talk with someone with the State. Mr. Goodson is staying in touch with State FEMA person Stacy High.....

In commenting Attorney Canoutas noted the need to be indemnified of all costs and Comm. Fuller mentioned that Kure Beach is the agent and no Town monies are to be incurred. Also at some point we will be reimbursed for staff time.

#### Section 7.5 Landscape & Vegetation Preservation

Mayor Medlin mentioned before going to New Business that Comm. LeQuire requested to conclude one item.

**Comm. LeQuire noted that she would like to make a motion that Section 7.5 be added as a cross reference, only to the check list on both preliminary and final site plan in Section 19- for that we will need a public hearing (this for information only).**

During comments/discussion Mayor Pro Tem Dugan mentioned that it seems there is a lot of P & Z, Building Inspection and Council interaction—he asked about the possibility of getting the three groups together to at least delineate areas of responsibility to make sure all departments have the same definitions.

Consensus of Council that this is a good idea.

Mayor Medlin noted Comm. LeQuire has a motion on the floor.

**Motion seconded by Comm. Ufferman. Motion approved.**

**Comm. LeQuire restated her motion that (Sec.) 7.5 be added as a cross reference to the checklist on both preliminary and final site plan in the sub-division section. Section 15 as information—listed as 16 and 33 as this specifies what is in the site plan.**

Comm. Fuller and Attorney Canoutas noted a Public Hearing will be needed.

**Comm. LeQuire amended the motion to include holding a public hearing. Comm. Ufferman amended his second.**

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Mr. Allo mentioned that inclusion of above in 15-121 will be on page 935, item #33.

Comm. LeQuire mentioned item #16 also.

(Comm. Fuller noted Attorney Canoutas will draft and put in proper place).

(Clerk requested that Comm. Fuller write the letter to P & Z and she would forward it to them. Comm. Fuller noted he would write the letter to P & Z advising that information would be forth coming.)

**Motion approved.**

### **NEW BUSINESS**

#### **P & Z Memo #05-02 re: Kure Beach Zoning Ordinance Division 3 Amendment Sect. 19-61 Changes and Amendments**

Mayor Pro Tem Dugan noted this would be a continuation of hers (Comm. LeQuire) with his discussion of the (Council, P & Z and Inspections) getting together, getting agencies together involved in at least 30 days to gather their own thoughts and have a meeting in March, no later than April.

Comm. LeQuire suggested setting a day work session.

Mayor Pro Tem Dugan asked P & Z about their work load and if they would be able to meet.

P & Z member Charles Allo noted this would be separate and apart from their meetings.

Comm. Fuller suggested setting a day time work session. Following discussion, consensus of Council to schedule a work session for Council, P & Z and the Inspection Department for Thursday, March 10, 10:00 a.m.

### **New Business**

Mayor Medlin noted the first item under New Business is the memo from P & Z #05-02 re: Kure Beach Zoning Ordinance, Division 3 Amendment Sec. 19-61 Changes and Amendments

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Mayor Medlin referred to proposed amendments which was to add the last three(3) sentences which reads:

Before an amendment may be adopted, it must be referred to the planning agency for the agency's recommendation. The agency shall be given at least 30 days in which to make a recommendation. The board is not bound by the recommendations, if any, of the planning agency.

Mr. Allo, P & Z member, noted that the language proposed to be added comes straight out of statutes—Article 18 which covers the county not municipalities, but he is recommending that it be for the municipality. He talked with Mr. Owen at IOG, most towns have the

Comm. Fuller noted if he understands the effect of this is, i.e., one of the zoning amendments to be considered in February did not go through P & Z and it is not required to, the Council under existing statues can change it without going through the Planning Board. This (proposed amendment) would make it a Town ordinance, policy, that we refer changes to P & Z to get their recommendation before we act on it.

Mr. Allo mentioned that P & Z has 30 days to answer (respond) and if they fail to answer within 30 days, Council is free to take whatever action the want.....so we do have a requirement to come back.....He would hope there is room for additional time if needed due to concerns.....

**Motion by Comm. Fuller to add this item to the list of Public Hearings already scheduled for February 15—Public Hearing to start @ 6:00 and run continuously—notice to read.....will be held.....and proposed amendments will be heard as soon thereafter as may be heard. Motion seconded by Comm. Ufferman. Motion approved.**

Schedule Work Session—Mid-Year Budget Review—Audit Review and set Calendar Fy 05/06

Comm. Fuller mentioned that Council could go ahead and set a work session to plan for the budget and we still need to settle on the procedure for evaluations, etc. He would like to do this in February if possible.

Mayor Medlin suggested February 17.

Comm. Fuller suggested schedule it for day time session.



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Consensus of Council to schedule the work session to discuss and plan budget sessions—meet with Department Heads and Council. Comm. Fuller noted that he would put a memo out.

Comm. LeQuire asked about the banking proposals.

Comm. Fuller mentioned that he hoped to have the proposals in hand by the work session.

N.C. Shore and Beach Preservation Association Letter  
(request for financial support)

Mayor Medlin mentioned that the Town has renewed our membership and they are now requesting additional funds. She noted that they are a strong advocate for beach renourishment.

Comm. LeQuire noted that there is no lack of agencies requesting funds and she is opposed to giving more than the membership fee.

Discuss Business Summit Documentations

Comm. LeQuire mentioned that the documentation relative to the business summit has been received and she would like to schedule a work session to go over a strategy for our next step.

Mayor Medlin suggested if the business owners get a copy of the summit as they have not seen it...she would like to get it out.

Comm. LeQuire noted they are welcome to a copy as it was received yesterday.....She would like a work session and discuss strategy.....Something very critical, very much needed.....and she would like it scheduled as soon as possible.

Comm. Ufferman will be out of town February 8-12.

Someone suggested February 14, day time.

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Request for Council to send letter to P & Z

**Comm. LeQuire made a motion that Council send a letter to P & Z for their recommendations regarding the permitted uses and the difference between multi-family, condos and town houses.** What their recommendation.....there are areas in the zoning book that allow only for multi-family....condo—town houses---as these are defined differently in the code book.

Mr. Allo noted this was not good as stated as Comm. LeQuire is asking for our opinion.... We don't give our opinion if you want us to do something then ask us for clarification changes if that is what you want.

Attorney Canoutas noted to change recommendation to clarification.

Comm. Lequire noted she did not want an ordinance change.

Mr. Allo mentioned anything P & Z says has no substance as whatever comes before them as far as subdivision, they will apply it as they interpret it. If the Building Inspector sees it, he will apply it as he sees it. We do not tell him he is wrong and he does not tell us we are wrong.

Comm. Fuller asked what if Council asks P & Z to draft definitions.

Comm. LeQuire noted Council needs to make sure or not sure that either multi-family is a condo, is accepted as a townhouse and condo or it is not.....Referring questions to Mr. Allo, member of P & Z, Comm. LeQuire asked if someone came to a P & Z meeting who had property in the RA-3 zone, and asked to put a condo on that property, would it be allowed. She noted that the permitted uses are one-family, two family or multi-family. Your board does made a decision.

Mr. Allo answered with yes we do and yes you could put a condo in there.

Comm. LeQuire mentioned that if that is the case, then where multi-family is listed townhouses and condos should be listed.....because we have a section in our code book that requires anybody who builds townhouses and condos, not a multiple family, we have an abbreviated plan that they have to follow—it requires common area....if you do multi-family you don't have to do that....but if you do a condo, you do have to do that....so if condos and multi-family are the same, then they both need to adhere to the highest requirement.

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Comm. Fuller asked if part of the distinction is that common ownership as opposed to \_\_\_\_\_ ownership.

Attorney Canoutas noted that that is where the law requires you to have common areas, where you have multiple owners.

Comm. Fuller noted that if you have multi-family with common ownership, where one person owns several units that are rented out as multi-family, then you wouldn't have to have that requirement.

Attorney Canoutas noted that is right.

Comm. LeQuire mentioned that in talking with the Building Inspector, his sense is that multiple family are condos, but that is not what is reflected in our code book. She sees this as a possible big problem as there are stiffer requirements for condos and town house than there are for multiple family.....She noted that either way, she wants to make sure multi-family comes up in this stiffer plan design that town house and condos have....

Mr. Allo suggested that because part of the complication arises because part of the ordinances (the older section) were created by our Attorney, the expansion and the new sections of the Town were basically created by P & Z, the wording is not consistent between the two and there needs to be clarification there and he would agree....get the ordinances for all the districts to come into conformity with an understanding. If you make that request to P & Z, then it is a re-write they will be doing—not a simplification but consistency and clarification throughout.

Comm. LeQuire asked the approximate time frame.

Mr. Allo noted probably a couple of months.

Comm. LeQuire mentioned that by that time, people are going to building, townhouses and condos in zoned areas that are permitted.

Comm. Fuller noted that the easiest thing would be to go into the definitions and add the sentence after multi-family—condo and town home—say wherever town home appears, it shall also mean multi-family.

Mr. Allo noted that one can mean one but not the other.

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Comm. Fuller mentioned in trying to get to what Comm. LeQuire is trying to achieve....wherever one of those terms are used we want the strictest requirements for any of them to apply to all of them. If this is what we decide to do, the easiest way to do it will be to cross reference the definitions.

Mr. Allo noted that just changing the definitions will not work without going into the districts to change things also.

In commenting Comm. LeQuire asked if there was some way to put a hold on this as they call them multi-family but they appear to be condos....down at Alabama Avenue, where the motel will be destroyed, they have a big sign for 8 town houses and that is not a permitted use in that area.

Comm. Ufferman in commenting noted that that is not necessarily only his (Inspector) interpretation, he also talked to others including some P & Z people, he also agreed with him----but a good point is to make it (requirement) stiffer.

Comm. LeQuire mentioned that she doesn't mind that he feels they are all the same as she tends to agree with him, but if they are going to be the same they have to be held to the highest standard.

Comm. Ufferman noted that he will talk with the Building Inspector and give Council something to go on.

Mr. Allo noted they have proposed 8 units and they will have to go to P & Z.....P & Z will interpret that as a sub-division.

Comm. LeQuire mentioned the development at N Avenue.

Mr. Allo noted this development came up prior to all the discussions about subdivision..... and it came through P & Z and we passed it improperly without knowing.

Comm. Ufferman mentioned that he and Building Inspector will work on this.

Comm. Fuller noted this needs to come back to Council no later than our next meeting.

Comm. Ufferman indicated he will do this.

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Board of Adjustment

Comm. LeQuire mentioned that she thought the appointment to the Board of Adjustment had already been done.

**Motion by Comm. LeQuire to place Harry Humphries on the Board of Adjustment. Motion seconded by Comm. Ufferman. Motion approved.**

Persons to Address Council

Mr. Gilbert Alphin informed Council that this is the first year he has taken his drill pay from the Fire Department (he has been in Fire Department since 1981). He has applied this to his family health insurance.

**MAYOR'S ITEMS**

Mayor Medlin requested everyone to please submit their information for the newsletter.....Mayor Pro Tem Dugan has submitted his information.

Comm. Ufferman noted that he will be changing the memorial.

Mayor Medlin noted that the TDA meeting was held last night and she and Ronnie Pernell attended. To date the money available for Kure Beach to us is \$52,071.00—this can be accessed if there is something needed.

Comm. LeQuire asked about the Marketing Committee.

Mayor Medlin noted Ms. Grizzell had mentioned that she has talked with Frankie and the persons on the plan are being contacted—there could be a change.

Comm. Fuller asked if the committee could start working.

Mayor Medlin mentioned that Mr. Pernell had mentioned maybe getting together for our first meeting.

**Motion by Comm. Fuller and seconded by Mayor Pro Tem Dugan to authorize the Clerk to advertise for a member if needed. Motion approved.**

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New Year's Eve Celebration

Mayor Medlin noted the celebration will be held in Carolina Beach next year and encouraged everyone to continue to attend this event.

**COMMISSIONERS'S ITEMS**

Comm. Ufferman—no item.

Comm. Fuller—mentioned that we (Town) recently lost a dear friend and neighbor in Gene Watkins—he not only was a big benefit in our neighborhood at Beachwalk, but he also served on Shoreline Access & Parking Committee but also a big member of his church. We will miss him.

Comm. Fuller noted that he and Comm. Dugan have been working on a way to replace the GAP that we had for the town employees.....We have been looking at a self-insurance program for that—the GAP covered the deductible on atrophic illnesses. He has been in touch with persons at the League but the HIPPA Act will be a major obstacle....I was given the name of a firm that handles matters such as this, there will be a few involved but he is still pursuing this.

Mayor Pro Tem Dugan asked Attorney Canoutas if he could give an update on Trout Lane.

Attorney Canoutas mentioned that basically what has been discovered is that the access of ingress/egress was established there in the 50's to the property in the rear so it was dedicated as a street. Therefore he has contacted the appropriate parties and suggested that they bring that sub-standard lot into conformity and that will end the whole situation.

Comm. LeQuire asked if this was due to the fact that it is dedicated and the time it was dedicated.....

Attorney Canoutas noted that the easement was there before but someone else got involved, and he attempted to convey it out to their folks.....the easement was there, a dedicated easement.

Mayor Pro Tem Dugan asked Attorney to inform Council of what they did regarding Ocean Princess project, the street layout.

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Attorney Canoutas noted as he recalled, it (plan) was a preliminary plan, sketch plan—problem came up with the width of the road. That night we were given what was required and based upon the width it was a viable project depending. There is some feeling that we should require 50' throughout the Town. In order to do that there will have to be a change in the ordinance that says the DOT standard is the construction of roads but not the widths. The widths would have to comply with whatever.

Comm. Fuller noted that they are talking about two things—width of the road and width of the right-of-way. We are not counting on changing the width of paved surfaces, that can be 24' but right-of-way on either side has to add up to 50'.

Attorney Canoutas mentioned that he did not recall that being discussed.

Comm. Fuller noted that the road itself is not 40 feet wide—if you look at DOT construction standards for, I think they're calling this—it's not a subdivision.

Mayor Pro Tem Dugan—is it a secondary street—did they call it.

Comm. Fuller noted that DOT has a separate book full of standards for different kinds of roads. What they talk about is—it's in the minutes—but anyway there is a distinction—we can say you can build the paved area of the road 24' is DOT standard, but the road right-of-ways will be 50' regardless of the width of the road or how it is constructed—if the right-of-way itself, you're gonna have like right-of-way itself, with what we approved, the 40 foot, you'll have 24 feet of paved surface and then you'll have 8 feet of right-of-way which will be unpaved and grassed on either side.

Attorney Canoutas noted that you have approved the preliminary but if you, well you approved the concept, that's what it is, but if you have any further thoughts on the matter, they should be contacted, discussed and then go from there before they spend any further money.

Mr. Allo, P & Z member, noted they have handled in their plans for preliminary plans for P & Z to review.

Attorney Canoutas asked when did they give them

Mr. Allo noted one week ago—it doesn't mean we have to answer them this week.

Attorney Canoutas asked how does it show on the plans?

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Mr. Allo noted that he hasn't looked at them but he would imagine they are showing 40 feet—hasn't looked at it yet because I know that's what they are planning on. We had told them in one meeting, I have had Imogean keep the recording on that, that road would be 50'—they said no 40', I said no P & Z said 50' and that's it. When we said send in a letter when we gave

Attorney Canoutas asked were you speaking roads or were you speaking right-of-ways, which

Mr. Allo asked right-of-ways?

Attorney Canoutas said yes.....

Mayor Medlin noted that actually what Council has to look at.....

Mr. Allo noted we are always speaking about right-of-ways when we talk about 50'.

Attorney Canoutas mentioned that what he wanted to find out

Mayor Medlin mentioned all we had was a sketch.

Attorney Canoutas noted that yes, we had a sketch and DOT regulations—one ordinance refers to the DOT—that's where the problem lies.

Mayor Medlin noted that if we approved the sketch do we have to accept the 40' tonight and that can never be changed to 50. That's what he asked—it's in the minutes.

Attorney Canoutas reading from minute page \_\_\_ read proposed 40 foot right-of-way, asphalt 24 feet.

Mr. Allo noted one of the comments made by him was that 421 is not considered a thoroughfare. I'm sorry, but 421 is a thoroughfare and DOT requirements, the best I can figure out when you are talking about a sub-division road going into a thoroughfare is 50'—they don't want to look at 421 as a thoroughfare.

Mayor Medlin asked why not.

Mr. Allo noted they talked with someone at DOT and they said 421 is not considered a thoroughfare but when you look at the definition of a thoroughfare in our ordinance, 421 fits the definition of a thoroughfare as we define it, so as far as I'm concerned, we're



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defining it as a thoroughfare and that's the way we are looking at it, and that's what it is, it is 50'.

Mayor Medlin—are you saying you are going to make them go back and do the 50 feet.

Mr. Allo noted that will be his recommendation, he does not know what P & Z is gonna do—he won't vote for it unless it goes 50'.

Comm. Fuller noted that he is assuming he got the easements and will make it a through street to Davis Road.

Mr. Allo noted that doesn't make any difference.

Comm. Fuller noted that it does, because if they couldn't get that, then they would be back to a cul-de-sac and they would clearly have to have the 50' and they acknowledged that, but if they are going through Davis Road—what we are dealing with here is our ordinance clearly ties it to DOT standards and they, I know what you are saying, that we're tied to DOT standards, we define what the DOT standards we are going to use and that is where the confusion comes from. If .....to DOT and they talked to District Engineer, and they asked what are your standards for this type of road.

Mr. Allo mentioned that we would probably have a hold up because we'll have to talk to the district engineer and say if you don't consider 421, which is an interstate road, and it's a collector road that takes us \_\_\_\_\_ to municipalities and it's an evacuation road, then tell us what you consider.

Comm. Fuller noted that we are relying on them (developers) to tell us what Dan Cumbo (DOT) told them. I think what we need as a minimum is a letter from DOT.

Mayor Pro Tem Dugan asked what if anything are we tied to based on one action.

Comm. Ufferman noted the 50' saves 8 trees.

### **ADA**

Mr. Gilbert Alphin mentioned that an application has been received to be on the ADA Committee and he would like to address this at the appropriate time, application submitted by Richard Graham.

**Motion by Comm. Fuller to appoint Mr. Graham to the ADA Committee. Motion seconded by Comm. Ufferman. Motion approved.**

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Attorney Canoutas noted that this is what he said to the question (per minutes of 1/15/05),  
“If the concept \_\_\_\_\_ this come later.

Mayor Pro Tem Dugan noted that he agrees with \_\_\_\_\_ if we think we are going to be  
changing it we need to let them know.

Attorney Canoutas noted now.

Paper said so they don't spend a lot of money.

Comm. LeQuire mentioned the concern, stated by Gilbert at a previous meeting' relative  
to the cables over his house. Mayor Medlin was to contact Progress Energy, and Comm.  
LeQuire asked their response.

Mayor Medlin noted that she is waiting for John Elliott of (Progress Energy) to get back  
with her.

Comm. LeQuire asked if Kure Beach has scheduled a meeting with Carolina Beach on  
sewer rates.

Mayor Medlin noted that she and Comm. Fuller are meeting with them Saturday  
morning.

Comm. LeQuire noted in April 2003, work session, it was talked about creating and  
identifying a successor list for the Department Head Commissioner.....  
has this been done. Read from personnel policy to have a Personnel Board.....this has  
been talked about.....adopt a policy to provide regular manager reports for members of  
the Town Council.

Comm. Fuller noted David Heglar actually started this and it is the monthly financial  
report.....this is still a work in progress.

Comm. Fuller noted that he has asked Susan to submit the same year to date reports the  
department heads receive.....

Comm. LeQuire asked what would happen, real important to keep pending items.

Comm. Fuller noted that Frankie has been keeping that at the bottom of the agenda.

Kure Beach Town Council  
Continued Meeting of January 18, 2005  
January 26, 2005

Comm. LeQuire noted couple of things that can be crossed off: Board of Adjustment appointment, also the sign thing.

Comm. LeQuire urged us all to keep working so we can keep moving forward.

**ATTORNEY'S ITEMS**

No items.

**ADJOURN**

**There being no additional item, motion by Comm. LeQuire and seconded by Comm. Fuller to adjourn. Motion approved.**

Meeting adjourned.

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