

KURE BEACH TOWN COUNCIL

REGULAR MEETING

MAY 17, 2005

CALL TO ORDER

Mayor Medlin called the regular monthly meeting of the Kure Beach Town Council to order welcoming everyone to the meeting. All Commissioners, Attorney Canoutas, Public Works Director Beeker, Building Inspector Dixon Ivey, Police Chief Dennis Cooper and Fire Chief Harold Heglur were present.

INVOCATION

Invocation by Mayor Medlin.

PLEDGE OF ALLEGIANCE

Following the invocation Mayor Medlin requested that all rise for the Pledge of Allegiance to the Flag.

PERSONS TO ADDRESS COUNCIL

Ms. Lynn Denne addressed Council requesting that they consider including money in the FY 2005/2006 Budget to assist in supplying the Children of Carolina Beach Elementary School the required supplies to begin the school year. (copy of information submitted attached).

Mayor Medlin thanked Ms. Denne for the presentation.

Mr. Charles Allo, resident, noted that as of next January he will have lived here 30 years. He moved here because it was a good community.....In continuing comments, he noted that a good community is being tuned into a commodity and he requested to please don't ruin the community—people need to commit to the community. He submitted info to Council relative to the different types of unit and the capacity of each. (copy attached).

Mayor Medlin thanked Mr. Allo for mentioning his concerns.

ORDER OF BUSINESS

Approval of the Consent Agenda

Motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to approve the consent agenda. Motion approved.

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Adoption of the Agenda

Mayor Medlin asked if Council had any additions, deletions or changes to the agenda.

Comm. Fuller requested to add a report from the Community Center Committee and a joint report from the Shoreline Access and Parking Committee and the Beach Renourishment Coordinator—add after Department Head Item.

Mayor Medlin requested to add under New Business an item relative to the North Carolina Shore & Beach.

Comm. Ufferman noted that he would like to add under Old Business the application form for Planning & Zoning and what they plan on doing.

Mayor Pro Tem Dugan requested to add under New Business—Council of Governments—Administrative Process Study and Planning & Zoning Training.

Comm. Fuller requested to add the scheduling of work sessions and the Public Hearing under New Business.

Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to approve the agenda with the changes as noted. Motion approved.

Department Heads Items to present to Council.

Town Clerk—no items to present.

Public Works Director Beeker—submitted pictures and information relative to the drainage problem located at 1706 and 1710 Searay Lane, area previously discussed in regards to a future drainage project. He mentioned that he met with some of the property owners to discuss what could be done now to alleviate the problem—prior to the implementation of a major project to eliminate the situation. He referred to the pictures submitted and noted a catch basin can be installed which will run between the properties to Henikers Ditch (big ditch on Spot Lane) to do this the Town will need to request an easement to allow the project.....

Public Works Director Beeker requested Council allow the Public Works Department to do this project after easements have been acquired. Estimated cost \$2,500.00 not including man hours.

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Mayor Pro Tem Dugan suggested Public Works Director Beeker and Attorney Canoutas get together and word an agreement with the property owners for the easement.

In commenting, Comm. Fuller suggested (motioned) using storm water funds and motion was made by Comm. Fuller to authorize the Public Works Director to use \$2,500.00 plus labor from the Storm Water fund and if that is not a sufficient amount, balance can come from the General Reserve Fund up to a maximum of \$5,000.00 contingent upon obtaining the necessary easement. Motion seconded by Mayor Pro Tem Dugan. Motion approved.

Building Inspector Dixon Ivey advised Council that he had attended a conference held in New Hanover County in regards to the new FEMA flood maps. He briefed Council on the new maps noting that the new maps/zones will eliminate the living spaces underneath the homes in new construction.....,

Following comments relative to the FEMA Conference, mentioned that additional information will be forth coming.

Building Inspector Dixon Ivey advised Council that he had received a letter today from resident Raymond Gutman complimenting John Batson, Code Enforcement Officer, for responding in a timely manner to a situation and the manner in which he handled the problem. (Mr. Ivey requested Mr. Batson to stand). (Copy of letter attached).

Mayor Medlin also thanked Mr. Batson for a job well done.

Mr. Ivey noted that in the past three(3) months he has had a problem with the permit cards disappearing from the job sites. He is not sure if they are being taken, wind blowing them away or what. He has talked with the contractors about trying to secure the permits—some have responded—others have not. He noted that he is replacing about 15/20 cards per week and he requested Council’s permission to start charging \$10.00 per card for replacement cards.

Motion by Comm. Ufferman to approve the \$10.00 fee to replace permit cards.

Comm. Fuller in commenting asked if someone is vandalizing do we have any recourse if you find out that it is not the fault of the contractor.

Attorney Canoutas noted this (vandalizing) would be a misdemeanor.

Following additional discussion, motion seconded by Comm. Fuller. Motion approved.

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Building Inspector Ivey mentioned that at the present time the Town does not have a re-inspection fee and with so much construction going on, in some cases 3,4,5 or more trips are made to the site to make one(1) inspection. In continuing he noted that the building code has certain inspections that are required and he felt that we should give the inspections that are needed and any additional inspection, charge a re-inspection fee. He mentioned that New Hanover County charges a re-inspection fee of \$35.00 and he felt \$30.00 would be a fair price.

Comm. Fuller asked if he was referring to is: if someone calls for an inspection and if the contractor is not ready or the inspection fails, then he would be charged when you go back for another inspection.

Building Inspector Ivey noted this is correct.....

Motion by Comm. Fuller to approve the re-inspection fee as proposed by the Building Inspector. Motion seconded by Comm. Ufferman. Motion approved.

Police Chief Dennis Cooper mentioned that the Tourism and Development Authority money—the ROT money—the Town of Kure Beach has close to \$36,000.00 in that account. He would like to request approval from Council to file an application with TDA for \$22,000.00—money to fund a seasonal department head to operate the oceanfront lifeguard program and for lifeguard operations and supplies. Chief cooper noted that the application is ready to send.

Mayor Pro Tem Dugan asked the difference in seasonal position and the regular head guard.

Chief Cooper noted the head life guard is that—the head lifeguard—his responsibilities are to make sure the other guards are on time, handle day to day operations—the seasonal department head coordinates the life guard efforts with rescue efforts, Fire Department, EMS, interacts with Police Department, Emergency Services. He is an overseer—it is not a full time position—we've rounded to approximately 4 hours a day @ \$15.00 per hour, 5 days a week—set up on weekly salary.....he would like to request \$22,000.00/\$23,000.00.

Following additional comments/discussion, **motion by Comm. Fuller to authorize the Police Chief to apply to the TDA for the use of the money—money to come out of the second half ROT. Money collected through motel owners, seasonal tourist.....and administered by the Cape Fear Convention and Visitors Bureau in Wilmington, we request use of our portion of the money.**

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Motion seconded by Comm. Ufferman. Motion approved.

Mayor Medlin mentioned that the next TDR meeting is scheduled for June 8 and this item can be discussed at that time.

Mayor Pro Tem Dugan mentioned that should this item not be approved by the TDA for funding, it can be considered during the budget process.

Comm. Fuller mentioned that several weeks ago, the Southeastern Regional Canine Trials were held in Wilmington and the Kure Beach Police Department was represented by Chief Cooper, Officers Jason Cummings and Richard Manning and their dogs and all three qualified for the National Canine Trials.....He felt this is a measure of the commitment of our Police Department of team work, training and excellence in what they do and he congratulates them. (audience applauded).

Comm. Ufferman asked if money could be allocated for the position of a seasonal department head if not approved by the TDA.

Following comment by Chief Cooper relative to the need to start this position ASAP, due to Memorial Day weekend approaching and that is when the guards begin, Comm. Fuller mentioned that if the TDA does not approve funding, the position can be funded out of the current budget and can be included in next year's (05-06) budget.

Comm. Ufferman's motion is if funding is not approved by the TDA for this position, it can be paid out of this year's budget and funding included in next year's budget as motioned by Comm. Fuller. Motion seconded by Comm. Fuller. Motion approved.

Fire Chief—no items.

Consent Agenda

For information, Mayor Medlin mentioned that the agenda for tonight's meeting contains a consent agenda. In the past the various committees have commented on their reports. In the future in order to comment at the meetings, a member of the committee is to call the Clerk and be added to the agenda—otherwise the reports will be posted as usual for review. (Clerk should be called by Wednesday, week prior to the meeting).

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Community Center Report

Mr. Ron Griffin, member of the committee, in commenting, noted that he is requesting Council consider a budget amendment for the present budget, or a re-allocation of funds—budget reduction in maintenance line item in the amount of \$300.00, reduce the operations line item by \$700.00 and increase the budget for capital outlay so we can complete the door project (raising the height of the inside door to the storage area) request will be a transfer of line item amounts.

Motion by Comm. Fuller and seconded by Mayor Pro Tem Dugan to authorize moving the funds within the Community Center’s budget to do this project. Motion approved.

Mr. Griffin requested Council appoint a liaison for the Community Center Committee.

Comm. Ufferman agreed to serve as the liaison.

Shoreline Access and Parking Committee

Mr. Mac Montgomery, Chairman, advised Council that a check was received today in the amount of \$37,796.00 from the State of North Carolina CAMA grant for the L and N Avenue projects—money previously spent now back in the budget. He mentioned that the first request has been received for timed parking and Gilbert Alphin requested 15 minute time parking at 309 Fort Fisher Blvd. The Shoreline Access and Parking Committee reviewed and unanimously supported it, and this has been coordinated with Chief Cooper. The committee recommends Council approve the request for Gilbert Alphin at 309 Fort Fisher Blvd. N. for timed parking. Mr. Alphin has agreed to pay up to \$100.00 for the installation of proper signs. Estimate has been researched by Public Works and signage will not cost that much but he would like to get Council’s approval.

Motion by Mayor Pro Tem Dugan to approve the request as stated. Motion seconded by Comm. Fuller. Motion approved.

Mr. Montgomery noted that at the public community summit held at the Community Center, one of the items mentioned was the lack of public restrooms in the Town of Kure Beach. The committee has surveyed the area and made estimates. They have looked at 5 beach accesses to put “porta potties”—key locations in the Town from Memorial Day through Labor Day. They can be put in by Waste Management and removed at any time by request. The committee recommends they be installed at N Avenue, the new access on the south side of the pier, I Avenue and E Avenue—these are the most heavily utilized accesses—cost would be \$160.00 per month, per location and cleaned one time a week—

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extra cleanings would be \$25.00—cost not to exceed \$3,500.00--\$4,000.00 for the entire summer with monies to come from the additional ROT monies.....

Mayor Medlin noted that she had the applications to be completed and submitted requesting the funds.

He requested Council approve the request not to exceed \$4,000.00 and the money issued through Public Works who already has contacts with Waste Management persons.....He would like Council's permission to fill out the application and submit.

Following additional discussion/comments relative to notification to the property owners adjacent to the accesses proposed for location of the porta potties, Comm. Fuller requested the Shoreline Access and Parking Committee to notify the folks near by the proposed location and we could schedule a work session for Monday at 5 p.m. and receive their comments/concerns.

Chairman Montgomery mentioned that in conversation with the Fire Chief, Police Chief, N.H. County EMS and others, discussions were held relative to having a second vehicular ramp in Kure Beach primarily for emergency access, it is not always possible to get an emergency 4-wheel drive vehicle underneath the pier, to the north side of the pier due to high tides. Also with the density of population north of the pier, permanent residents and visitors, the Shoreline Access and Parking committee recommends a second vehicular ramp at N Avenue—they discussed going through the grant process but they talked with Beach Renourishment Coordinator Gary Owen about an alternative proposal for the ramps. He requested Mr. Gary Owen address the matter.

Mr. Owen mentioned that in last year's budget, Beach Renourishment had \$5,000.00 for design, receive bids and try to reconstruct the vehicle access at Davis Road. This project was delayed until the builders were through.....He met with the engineers, Criser and Troutman to do a design of both N and a redesign of Davis Road—give a quote and solicit bids and come back with a recommendation—this can be done in two weeks—their quote is \$4,600.00—monies remaining can be used for CAMA Permits with Council's approval we can proceed with getting the design work done and the bids—the next step will be to send a letter to the Port, Waterway and Beach Commission and piggy-back on what Carolina Beach did two year's ago they requested money from Port Waterway and Beach Commission, ROT the first 3% to fund their redevelopment of two accesses they have—they requested \$40,000.00. We propose to go to Port Waterway and Beach Commission and request funds to re-develop both of these accesses for vehicles. He requested Council allow changing the scope of the \$5,000.00 item in the current

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budget to include re-development of the design work for both Davis Road and the new one at N Avenue.

**Motion by Mayor Pro Tem Dugan to approve Mr. Owen's request as stated.
Motion seconded by Comm. Fuller.**

Following comments/discussion, motion was approved.

Chairman Montgomery mentioned for clarification there are two types of accesses—one is pedestrian access and the other is vehicle access. In discussion it was recommend that the pedestrian access remain under the jurisdiction of the shoreline Access and Parking Committee and the vehicular accesses remain under the jurisdiction for oversight of Beach Renourishment.

Mayor Medlin requested a short recess.

Recess

Following the recess, Mayor Medlin recalled the meeting back in session.

Mayor Medlin noted the first item of Old Business is the proposed ordinances for the various sections of the ordinance included in the civil citation portion—i.e., Section 4-19, 10-23, 10-69, 10-276, 11-32, 12-33, 12-35, 12-36, 12-39, 3-1. Chief Cooper noted with the adoption of the proposed ordinances (ordinance previously submitted—copy of each attached). The officer will have the choice of writing a civil citation or may be charged with a misdemeanor.

Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to accept the ordinances as submitted. Motion approved.

P & Z Memo—Recommendation relative to the Land Use Plan

Following brief discussion, **motion was made by Comm. Ufferman to approve sending the Draft Land Use Plan to Coastal Management for their review. Motion seconded by Comm. Fuller. Motion approved.**

P & Z Memo—Seawatch, Phase II—Section 2 Final Plat

Motion by Comm. Ufferman that since this plat has been approved by P & Z he would recommend that Council approve Seawatch, Phase II—Section 2 final plat. Motion seconded by Comm. Fuller. Motion approved.

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Motion amended by Comm. Ufferman and seconded by Comm. Fuller for approval to be subject to receipt of CAMA Permit and infiltration information.

Mr. Tim Raines of Seawatch Development noted items mentioned have been obtained and mylar is ready for signatures.

Comm. Fuller requested that items be forwarded to the Building Inspector for review.

Application Form for P & Z

Comm. Ufferman mentioned that at the last Council Meeting, an application form put together by Charlie, Tim, Jennifer and others was submitted--some changes were needed and were made this will now be forwarded to P & Z for their approval, a copy will be given to the Attorney for review and it will come back to Council in June for final approval.

NEW BUSINESS

Request to Proclaim August 23 as “Health Unit Coordinator’s Day”

Mayor Medlin referred Council to the letter of request from Ms. Edna Ennis of New Hanover Regional Medical Center (copy attached), reading aloud the last two paragraphs.

Motion by Mayor Pro Tem Dugan and seconded by Comm. Ufferman to Proclaim August 23rd as a National Day of Recognition throughout the United States of the Health Units Corindinators/Clerks. Motion seconded by Comm. Ufferman. Motion approved.

Approval of Contract No. S06026 between the Town of Kure Beach and DENR (CAMA)

Mayor Medlin referred Council to the information included in the packet.

Discussion was held relative to the amount of money charged for the CAMA Application \$100.00 versus the actual cost of the permitting process and it was noted that the fee charged is set by CAMA, or state agency—not the Town.

Following additional comments, **motion by Comm. Ufferman and seconded by Mayor Pro Tem Dugan to approve the renewal of Contract No. S06026. Motion approved. Voting yes, Dugan, Ufferman, Medlin. Voting no—Fuller.**

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N.C. Shore and Beach Preservation

Mayor Medlin noted that she was on the Board of Directors for the North Carolina Shore and Beach Preservation and they had met last week. She read aloud a portion of the memo noting that N. C. Shore and Beach Preservation and several other organizations have merged and the new group is now called the North Carolina Beach Inlet and Waterways Association. Following additional reading of the memo indicating monies allocated by other municipalities, i.e., New Hanover County Commissioners \$20,000.00, Carolina Beach--\$5,000.00, Wrightsville Beach--\$5,000.00 and Ocean Isle Beach--\$2,000.00. They would like for Kure Beach to participate and she asked Council's wishes.

Mayor Pro Tem Dugan asked if any of the committees disbanded.

Mayor Medlin noted that they merged.

In commenting Mayor Medlin suggested contributing \$1,000.00.

Following additional discussion and comments regarding the different organizations Kure Beach contributes to, **motion was made by Mayor Medlin to allocate \$2,000.00 to the North Carolina Beach, Inlet and Waterway Association. Motion approved.**

Comm. Fuller suggested that the Clerk make a list of all of the various organizations that request contributions from the Town....

Council of Government Study

Mayor Pro Tem Dugan noted that he had talked with Chris May, Director of the Council of Governments, regarding looking into our administration functions and he advised that the Council of Governments does provide studies for all phases of government. Mayor Pro Tem Dugan mentioned that he has spoken to members of Council and to the Clerk about this study. Per memo (copy attached) what the COG is offering to do is conduct interviews with the employees, governing body, citizens, receive input for improvement.....They estimate the cost of this study to be \$2,345.00, not to exceed 67 hours. Mr. May indicated he would be using anywhere from 7 to 10 students to help perform the tasks and they should be able to do this within 30 to 45 days.

Motion by Mayor Pro Tem Dugan that Council authorize the funding to do the study from unappropriated fund balance. Motion seconded by Comm. Ufferman. Motion approved.

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P & Z Training

Mayor Pro Tem Dugan mentioned that as we now have two(2) new members on the P & Z Commission, and as previously mentioned by former Commissioner LeQuire, training is available for new members on the various commissions/boards. This type training is another function which can be performed by the Council of Governments.

Motion by Mayor Pro Tem Dugan to authorize Council of Governments to get together with Planning & Zoning to see what would be feasible as far as the training. Motion seconded by Comm. Fuller. Motion approved.

Schedule Work Sessions and Public Hearing

Motion by Comm. Fuller to schedule a work session for May 23, 2 p.m., for Department Head evaluations by Council and at 5 p.m. there will be a work session with Shoreline Access and Parking Committee—Chairman Mac Montgomery, property owners adjacent to accesses suggested for porta potties.

Budget Work Session scheduled for June 6 for Council, Department Heads and the public if they choose to attend. The draft budget will be reviewed by Council and the Department Heads and corrections made where needed.

Final budget work session Friday, May 17 at 10:00 a.m. for Council and Department Heads and public to review the final budget that will be presented at a Public Hearing that will be held at 10 a.m. June 18—with adoption at the June 21 Regular Council Meeting.

Motion seconded by Comm. Ufferman. Motion approved.

Persons to Address Council

Frances Regan asked if Council had any plans to fill the vacant seat on Council.

Mayor Medlin noted this was mentioned at last month's Council meeting and the vacancy will be filled at the November election.

MAYOR'S ITEMS

No additional item.

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COMMISSIONERS' ITEMS

Mayor Pro Tem Dugan—no items to present to Council.

Comm. Ufferman—noted that the Inspection Department and himself has received a number of calls regarding the sand on the bike path on Fort Fisher Blvd. N. He asked if maybe in June or July we could possibly have Carolina Beach use their sweeper.....

Comm. Fuller—noted that Helen Wilson, member of the Chamber of Commerce and the Pleasure Island Merchant Association submitted a letter requesting Council consider using some of the ROT money (2nd 3%) to help with the Seafood Jazz and Blues Festival held in October. He requested this be looked into to see what is available for this and decide at next month's meeting. The Festival is a great event.....

Mr. _____ asked about the sand on the bike path and noted that a lot of the times the contractors parking in the bike path causes problems.....He asked if there is any additional enforcement for this.

Mayor Medlin noted that she will check with Chief Cooper tomorrow.

ATTORNEY'S ITEMS

No item.

ADJOURNMENT

There being no additional item, **motion was made by Mayor Pro Tem Dugan and seconded by Comm. Fuller to adjourn. Motion approved.**

Meeting adjourned.

Minutes by _____
F. Jones