

KURE BEACH TOWN COUNCIL  
REGULAR MEETING  
February 19, 2008 \* 7:30pm

## MINUTES

The regular meeting of the Kure Beach Town Council was held on Tuesday, February 19, 2008. Mayor Montgomery called the meeting to order at 7:32 pm and led the invocation. Commissioner Nelder led the pledge of allegiance.

**COUNCIL MEMBERS PRESENT:**

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vatr

**COUNCIL MEMBERS ABSENT:**  
None

**STAFF PRESENT:**

Town Administrator	Michelle James
Building Inspector	John Batson
Finance Officer	Susan Suggs
Fire Chief	Harold Heglar
Public Works	Sonny Beeker
Town Clerk	Nancy Avery

Town Attorney A. A. Canoutas was in attendance. A quorum of the Town Council was present.

### RECOGNITION AND AWARDS

1. New Hanover County Human Relations Commission

Mayor Montgomery presented a proclamation claiming February 2008 as Human Relations Month to Marilyn Youngbluth, the Town's representative on the New Hanover County Human Relations Committee. Ms. Youngbluth stated that someone from Kure Beach has been nominated as Volunteer of the Year and there will be an awards banquet on Saturday, February 23, 3008.

### PERSONS TO ADDRESS COUNCIL

1. Jerry Hammill of Hammill Construction Company out of Gold Hill stated:
- he owns several properties in Kure Beach and is concerned about the lack of night (street) lights on 4<sup>th</sup> Avenue.
  - this has been on the agenda before and taken off, and he would like to see it back on the agenda

## PRESENTATIONS TO COUNCIL

### 1. Community Center representative Jean Martin stated:

- the committee is requesting \$600 funding for the Community Spirits Award Dinner to keep ticket prices at \$15.00
- the dinner will be catered by Bon Appetite and will be April 19, 2008

ACTION - Commissioner Lambeth MADE THE MOTION to approve a \$600 potential overspend to keep the cost of tickets for the Community Spirits Award Dinner at \$15.00. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

### 2. Katie B. Hines Senior Center representative Debbie Price stated the center:

- submitted a written request for \$4,000 in funding
- is located in Carolina Beach but serves all of the island
- allows participation by anyone regardless of age
- membership is \$5.00 and there are 270 members
- serves a free lunch to anyone in need on Monday, Tuesday and Friday
- is requesting financial help because expenses are going up and this is the first time the center is asking for support from Kure Beach.

ACTION – Commissioner Lambeth MADE THE MOTION to address this funding request in the amount of \$4,000 at the Fiscal Year 2008-09 budget cycle. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION -Consensus – Ms. Price to provide number of Kure Beach residents that are members and the amount brought in by fund raising events.

## APPROVAL OF CONSENT AGENDA

1. Council minutes: January 15, 2008 public hearing and regular meeting
2. Police Report: January 2008
3. Building Inspector Report: January 2008
4. Fire Report: January 2008
5. Financial Report: January 2008
6. BOA annual report 2007
7. Appoint Craig Galbraith to fill P&Z vacancy
8. Proclamation for Human Relations Month
9. Powell Bill Allocation Letter

ACTION - Commissioner Nelder MADE THE MOTION to move two items on the consent agenda (listed below) to new business as item #6. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- # 7 Reappoint Betty Swann and Harry Humphries to another BOA term
- #8 Appoint Charlie Allo as regular BOA member (currently serving as alternate to fill vacancy)

**ACTION** – Mayor Pro Tem Dugan MADE THE MOTION to approve the amended consent agenda. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**ADOPTION OF THE AGENDA**

**ACTION** – Commissioner Nelder MADE THE MOTION to add a closed session for a personnel matter. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**ACTION** – Commissioner Nelder MADE THE MOTION to accept the amended agenda, Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

**OLD BUSINESS**

1. Status of oceanfront park to be located at 105 Atlantic Avenue (site of Rolling Surf motel)

Mayor Montgomery stated:

- county commissioners agreed to waive landfill tipping fees for demolition of the Rolling Surf motel up to \$17, 000
- all grants for acquisition costs have been submitted
- there is a site visit later this week from Water Resources
- this park is turning out to be a local, state and federally supported program.

2. Appointment of members from each committee to oceanfront park oversight committee:

Mayor Montgomery stated a utilization plan needs to be developed to determine what the park will be used for and how it will look. The oceanfront park oversight committee is charted with setting this utilization plan.

**ACTION** - Commissioner Vatrtr MADE THE MOTION to appoint committee members and others as listed below to the oceanfront park oversight committee. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ADA - Gilbert Alpin

Beautification - Ken Withrow

Community Center - Linda Newton

CBPC - Phyllis Mojzis

Marketing - Anne Brodsky and Brant Barnwell (PI Chamber Representative)

Parks & Recreation – Nancy Brigham, Richard Himmelstein, Bob Fitzsimons

SLAP - Chuck Keener

P&Z liason - Alan Votta (Jim Schutta as back-up)

Storm water – Eric Vann

Additional appointees are:

Clifton Carroll

Emilie Swearingen

Ronnie Pernell

ACTION – Mayor Montgomery appointed Commissioners Lambeth and Dugan to oversee the oceanfront park committee with Commissioner Dugan serving as chair and Commissioner Lambeth serving as vice chair

ACTION – Mayor Montgomery stated the first meeting of the oceanfront park oversight committee will be held on Monday, March 3<sup>rd</sup> at 6pm.

3. Schedule public hearing regarding amendments to zoning ordinance for B1 district as recommended by Planning and Zoning Commission

Mayor Montgomery asked Building Inspector Batson to give a general explanation of the proposed amendments. Inspector Batson stated the proposed amendments:

- most significant change is to Chapter 19, section 323.5 regarding single family home allowed in any district as long as it conforms with RA-1A. The recommendation is to remove this language and redefine in section 357
- remove some exceptions to height limits related to widow walks, observation decks on top of houses and defines it better and limits to 150 sq ft.
- reduce parking regulations, so they are not as stringent as they are now
- better defines hotels/motels
- reduce the size of permitted signs
- implements minimum roof pitch with a slope of 4/12

Commissioner Nelder stated he had several questions about the proposed amendments particularly with keeping parapet walls below 35 ft. and being restrictive about what the Town determines to be an observation deck.

ACTION – Commissioner Dugan MADE THE MOTION to schedule a public hearing for the purpose of taking input on the proposed amendments for Monday, March 10, 2008 at 6:30pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Consensus – council requested Dexter Hayes of Hayes Planning and the chair and attorney of the Planning & Zoning Commission attend the public hearing.

ACTION – Consensus – Clerk to give copy proposed amendments to the local newspaper and put on the website.

4. Review and Approval of Resolution R08-05 request to county to increase frequency of property revaluation

Mayor Montgomery explained that

- many residents have approached Council members about the recent property revaluation and this resolution is Council's response which requests New Hanover County Commissioners to conduct an interim revaluation before the next statutorily required one in January 2015.

Gilbert Alphin, resident and business owner, stated:

- he has to generate about an additional 40% in revenue to break even with last year due to the tax increase
- he asked Council last year to ask the county to change the calculation of the Room Occupancy Tax (ROT) to not include the credit card use transaction charge

Mayor Montgomery responded that any change to ROT would have to be done at state legislature level and Council can look into that.

ACTION - Commissioner Lambeth MADE THE MOTION to adopt resolution R08-05 as presented. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said resolution R08-05 is herein included as part of these minutes.

5. Review and Approval of bid recommendation for demolition of Rolling Surf motel from Engineering Services

Public Works Director Beeker stated that:

- bids from 9 companies were opened on February 12, 2008
- the recommendation from Engineering Services and himself is to accept the low bid in the amount of \$92,675 with a 20 day completion date from Environmental Holdings
- after Council accepts the bid, Engineering Services will generate contracts for signature and he will meet with Environmental Holdings next week
- the tipping fee waiver from the county in the amount of \$17,000 will be worked out with Engineering Services and Environmental Holdings

ACTION – Commissioner Nelder MADE THE MOTION to accept the bid from Environmental Holdings in the amount of \$92,675 with a 20 day completion date. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Mayor Montgomery asked the Town Administrator to publish this information on the website.

Mayor Montgomery called for a 10 minute break at 9:06pm  
Mayor Montgomery resumed the meeting at 9:16pm

## **NEW BUSINESS**

### **1. Discussion and Approval of Interlocal Government Agreement with New Hanover County for \$500,000 contribution - Oceanfront Park**

Town Administrator James explained that this interlocal agreement between the Town and New Hanover County is required by the county and it states:

- the Town will receive \$500,000 from the county from Parks Bond proceeds
- 
- the \$500,000 to be used specifically for acquisition of Rolling Surf property which must be used as a public park
- there will be a five day request period meaning the county has to provide the money within five days of the Town's written request
- the Town is to provide the closing statement, drawings, etc to the county

**ACTION** – Commissioner Dugan **MADE THE MOTION** to accept the interlocal agreement as presented. Commissioner Vatr seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said agreement is herein incorporated as part of these minutes

### **2. Review and Approval of FY08-09 Budget Calendar**

**ACTION** – Commissioner Nelder **MADE THE MOTION** to accept the FY08-09 budget calendar as presented. Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.** Said budget calendar is herein incorporated as part of these minutes.

### **3. Review and Approval of amendment to mandatory direct deposit policy to exclude volunteer firefighter's training pay**

Mayor Pro Tem Dugan stated:

- the Town instituted the policy of direct deposit for employees last year
- the volunteer fire fighters are paid \$10 every time there is a run, get paid twice a year and are requesting manual checks instead of direct deposit
- issuing manual checks will cost an additional \$50 per pay period for a total of \$100 increase in cost to provide manual checks

- the volunteer fire fighter weren't considered employees in the past, but are now by state regulation - the Town has paid no benefits to fire fighters as employees
- the request is to give an option to those that don't want direct deposit and this is the least the Town can do

ACTION – Commissioner Nelder MADE THE MOTION to approve an amendment to the mandatory direct deposit policy for employees to allow fire fighters to elect to have manual checks if they desire. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

#### 4. Discussion of over-population of deer

Commissioner Nelder stated the deer population:

- is suffering from disease
- is devastating lawns and landscaping
- is causing destruction to cars of police and citizens
- needs to be controlled

ACTION – Commissioner Nelder MADE THE MOTION for staff to explore the deer problem to gather information and come back to Council with a solid recommendation. Principle staff members are to be the Town Administrator and the Police Chief. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

#### 5. Review and Approval of change in Town Council meeting start time from 7:30pm to 6:30pm effective March 2008.

ACTION – Commissioner Vatr MADE THE MOTION to change the start time for the Town Council meetings from 7:30pm to 6:30pm to start with the March meeting. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

#### 6. Deferment of appointments to BOA and review and approval of an appointment policy for Planning and Zoning Commission (P&Z) and Board of Adjustment (BOA)

Mayor Montgomery stated that the purpose of the deferment of the appointments is to discuss establishing a consistent policy for filling of vacancies.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to defer the BOA appointments as follows:

- Betty Swann and Harry Humphries to another term
- Charlie Allo as regular member rather than alternate

Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to adopt the appointment policy for both P&Z and BOA to address vacancies. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

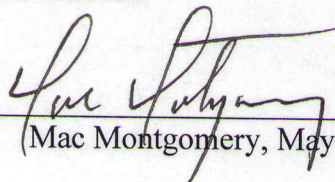
**CLOSED SESSION – personnel matter**

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to go into a closed session for the purpose of a personnel matter at 10:06pm. Commissioner Vatrč seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

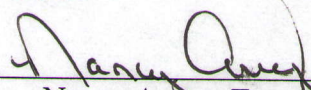
ACTION – Mayor Pro Tem Dugan MADE THE MOTION to return to open session at 10:40pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

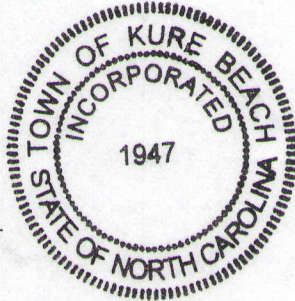
**ADJOURNMENT**

ACTION – Commissioner Vatrč MADE THE MOTION to adjourn at 10:41pm. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

  
\_\_\_\_\_  
(Mac Montgomery, Mayor)

ATTEST:

  
\_\_\_\_\_  
Nancy Avery, Town Clerk



NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.