

KURE BEACH TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 18, 2008  
6:30 pm

***MINUTES***

The Kure Beach Town Council held its regular meeting on Tuesday, November 18, 2008 at 6:30 pm.

**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
Fire Department	Harold Heglar
Police Department	Dennis Cooper
Building Department	John Batson
Finance Department	Susan Suggs
Town Clerk	Kaysie Pralle

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

**CALL TO ORDER**

Mayor Montgomery called the meeting to order at 6:30 pm. County Commissioner Jonathon Barfield delivered the invocation. Mayor Montgomery led in the Pledge of Allegiance.

**RECOGNITION AND AWARDS**

- *Presentation to Medlin family (Mayor Montgomery)*

Mayor Montgomery presented the daughters of the late Mayor Betty Medlin with a proclamation from the Town for her leadership and guidance to the Town. He also unveiled the plaque to be placed in the Annex which will be dedicated to Medlin. Rhonda Smith (Betty's daughter) expressed her thanks for this dedication. Betty Lois Brantley (Betty's daughter) also expressed her thanks. Representative Danny McComas pointed out how Medlin had always placed the town as a high priority.

Bobby Greer, Chairman of New Hanover County Commissioners, expressed his thanks for this dedication.

Vice Chairman of the New Hanover County Commissioners Bill Caster pointed out Medlin's compassion for the Town, her community, and public service. He also mentioned that the Town and others got an award for beach re-nourishment.

Tommy Full gave a very emotional statement that he would miss Medlin greatly.

Wanda Tsangarides (citizen) stated that Betty was many things, but she was a good friend. "We lost a big chunk of Kure Beach when we lost Betty." She also recalled that right after she moved to Kure Beach she received a hand written note from Betty welcoming her to the town. She expressed how much that small gesture meant to her. Mayor Pro-Tem Dugan recalled how Medlin would put him in his place at times. He pointed out that the Town was her "second family."

Commissioner Vartt recalled a time when he was in Washington, DC at a conference. Many attendees came up to tell him about Medlin and how much she was missed. This was a very uncommon occurrence for these events.

Commissioner Nelder expressed his thanks for her family coming and attending.

Commissioner Lambeth stated that Betty was his sparring partner when she was here. Mayor Montgomery pointed out that Betty will always be a part of this town. He also presented her daughters with flowers from the Town.

Mayor Montgomery called for a 10 minute recess at 6:50.

Mayor Montgomery returned to session at 7:04.

- *Presentation to Jamie King, Crisis Intervention Training Officer of the Year (Chief Cooper)*

Chief Cooper introduced Carolyn Craddock, Director of Consumer Affairs and Customer Services with the Southeastern Center for Mental Health, Developmental Disabilities and Substance Abuse Services and Debra Vuocolo of Consumer Affairs.

Carolyn from Crisis Intervention Team explained how the team was developed and what its mission is. National Alliance for the Mentally Ill wanted to recognize an officer for the first time. Jamie King was presented with a plaque of recognition from the Crisis Intervention Team.

Debra Vuocolo manages 1-800 line at the center and work's closely with the officers.

Chief Cooper wanted to express his thanks for Officer King's work and dedication.

Jamie King thanked the Council, Chief Cooper and the Town.

Commissioner Nelder personally expressed his thanks for Officer King's hard work and pointed out that in today's economy it is refreshing to see a program such as this.

Mayor Montgomery pointed out how important a program like this is for the community. "We owe a lot to our citizens and law enforcement officers."

- *Presentation to Betty Swann, Chair of Board of Adjustments (Mayor Montgomery)*

Mayor Montgomery introduced Betty Swann, Chair of the Board of Adjustments. He presented Betty with a certificate in recognition of her service on the BOA.

- *Oath of office Town Clerk*

The Oath of Office was administered by Mayor Montgomery to Kaysie Pralle, the new Town Clerk for Kure Beach.

**PERSONS TO ADDRESS COUNCIL (3 minutes- please sign in with the clerk before the meeting)**

Jerry Hammel –

- Expressed his disappointment and shame of what he read in the Island Gazette this past week. He stated that the interaction should have taken place elsewhere.
- He stated that he is 100% behind the park for the Town. Offered four lots if the Town is interested. He also has three on the other side of the road. Mayor Montgomery recognized Mr. Hammel's dedication to the town. He pointed out that several commissioners are aware of the lots being offered.
- Mr. Hammel also pointed out that Dow Road is dark at night. He asked if Council would still consider lighting for the road.

**PRESENTATIONS TO COUNCIL**

*1. Presentation of 2007-08 Audit – Auditor Greg Adams*

Mayor Montgomery stated that every town must have a formal audit. He reassured that this is a public document and it would be available on the Town's website. He also pointed out that the money in reserve may seem like a lot of money, but it is not. The money we have is a necessary cushion for times of need (ex: hurricane expense).

Mayor Montgomery introduced Auditor Greg Adams.

- Mr. Adams presented the Summary of Audit for the previous fiscal year for the Town of Kure Beach. This summary is included in the agenda packet for this meeting. Mr. Adams pointed out that the town is well above the minimum required unreserved fund balance of 8% for general fund expenditures. The Town's percentage is 38.03%. The state average for similar size towns is 66.98%. This means that the Town is below the State average for towns similar in size to Kure Beach. He explained that the Water and Sewer have no minimum requirements due to the fact they are supposed to operate like a business and sustain themselves. Total overall tax collections for the Town were 99.03%. The state average for similar size towns is 96.79%. This means the Town is well above the state average for towns similar in size to Kure Beach.
- Mayor Montgomery opened the floor for questions.
- Commissioner Lambeth questioned if Greg had any idea of what to expect for upcoming tax changes due to the economy being what it is right now. Greg stated that because Kure Beach is a beach community we should expect to have a higher collection percentage than town's similar in size.

- Commissioner Vatr recognized Susan Suggs, Jennifer Watson and Pat Fortier for their hard work. He pointed out that the Town's revenue collections overall were 15% less than in previous years. He asked if other towns of similar size were having the same issue. Mr. Adams stated that he would not be able to determine that at this time.

2. *Design of Informational and Beach Signs – Candace Clark, Beautification Committee*

Candace Clark pointed out that the P&Z committee has been looking at re-doing some of the signs in Kure Beach.

The Beautification committee would like one uniform sign at all the beach access areas to replace the many signs that currently exist.

Candace stated that the Beautification Committee has met with Ruth Arnold Graggs, of Ruth Arnold Signs, regarding designing new signs for the Town. These were some of the recommendations that were made.

- Using a beach style sign with the town logo on it.
- Recommended using 4x4 posts
- Making them uniform
- Consolidating signs that are on one post already.
- Using Starboard, a polymer, it does not fade, cannot be painted or vandalized which will mean less work for Public Works and they last approx. 20 years.
- Uniform real estate signs, which are actually less expensive than current signs.

The Beautification Committee would like the permission to obtain funding for developing a sign plan. The estimated cost would be approx. \$500.00.

CONSENSUS- This Council is taking no action at this time.

3. *Seeking Grant for Solar Lighting & Parking Study Update – Tony Gonsalves, Chairman for the Shoreline Access and Parking Committee*

Tony Gonsalves addressed two issues with the council.

1. Parking Study - Had a meeting with MPO & SLAP committee who requested a scope of work be presented to them. The scope is still in progress and will be addressed at a later time. This will be accomplished at no cost to the Town.
2. Solar lighting – Tony would like to get paperwork going to seek grants for solar lighting on the boardwalk. The SLAP committee is seeking permission from Council in order for Mr. Gonsalves and Administrator James to start looking into solar lighting.
  - Commissioner Vatr stated that the council has to approve solar lighting before giving the committee the approval to look into this. He pointed out that turtles nesting could be an issue in regards to lighting at the beach. Commissioner Vatr wanted to know if Tony had looked into what other towns were doing. Tony stated he had not.
  - Commissioner Lambeth questioned whether it would pose a liability if we had lights on and then turned them off. Attorney Canoutas pointed out that this would certainly be a liability.

Commissioner Lambeth pointed out that Administrator James was busy enough without adding more to her workload.

- Mayor Pro Tem Dugan asked if there were grants available. Tony stated that Michelle would need the Council's approval to start looking for grants. Mayor Pro Tem Dugan pointed out that the lighting that is currently on the boardwalk, when installed, brought complaints of it being too bright. However, he was glad the Town and its committees are looking at ways to go green.
- Mayor Montgomery pointed out that the Department of Transportation is now using solar panels to power some of their street lights. Mayor Montgomery pointed out that Michelle and Tony would be looking for information, not obtaining a grant. Mayor Montgomery stated that we would look into getting someone to come in and discuss this, with no obligation on the Town. Looking for approval for the SLAP to explore solar lighting with the Administrator, and come back with a briefing.

**ACTION – Commissioner Lambeth MADE THE MOTION to authorize the SLAP committee to contact solar lighting companies and gather information to present to the Council at a future meeting. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

#### **APPROVAL OF CONSENT AGENDA**

1. Building Department report: October 2008
2. Fire Department report: October 2008
3. Police Department report: October 2008
4. Finance report: October 2008
5. Accept resignation from Betty Swann - Board of Adjustments
6. Code Enforcement/Zoning Administration Employee to support Planning & Zoning and Board of Adjustments
7. Resolution designating applicant's agent for NC Division of Emergency Management
8. Council minutes:
  - 10/21/08 public hearing, regular, closed
  - 10/24/08 special, closed
  - 11/6/08 workshop, closed

#### **ADOPTION OF THE CONSENT AGENDA**

**ACTION – Mayor Pro Tem Dugan MADE THE MOTION to add the Job Description of Finance Officer to the consent agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

**ACTION – Commissioner Nelder MADE THE MOTION to remove item number 5 from the consent agenda. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

**ACTION – Commissioner Nelder MADE THE MOTION to adopt the amended Consent Agenda. COMMISSIONER VATRT seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

## **ADOPTION OF THE AGENDA**

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to add as Item #6 Acceptance of Request from Seymour Johnson Air Force Base to connect Fort Fisher Recreational Area to Town’s Water Distribution System and Item #7 Donation of Motorized Scooter to the Agenda. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Nedler MADE THE MOTION to add as Item #1 Public Protocol to the Agenda. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Vatr MADE THE MOTION to go into executive session at the end of the meeting to consult with the Town Attorney and discuss legal matters involving paving of roads (Tucker Square) and Atlantic Avenue Boardwalk (CAMA Judicial Review/Appeal). Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## **OLD BUSINESS**

### *1. Update on Ocean Front Park (Dugan)*

- Mayor Pro Tem Dugan discussed the Request for Proposal (RFP) for the park. We have received 10 different plans. The plans will be reviewed later this month by the sub-committee. He clarified that the sub-committee is made up of staff, council, and members of the Utilization committee. Following the review, the committee will make a recommendation to the council.
- Administrator James clarified that the design firms that are chosen to make a presentation to the council will do so on December 2, 2008.
- Commissioner Vatr mentioned that he met with Georgia Visios, the head of the Design School at NC State. The students would come in, give ideas and design concepts for the park at no cost to the town.

### *2. Update on Atlantic Avenue boardwalk project (Nelder)*

Commissioner Nelder stated that the new permit was submitted but was returned because it did not have enough detail in it for a decision to be made. Ken Withrow, Beautification Committee Chair, will look into it when he gets back. Mayor Montgomery pointed out that there is an issue with spending money on the new revisions. The Town has already spent approx. \$7000.00 on this project, none of which is chargeable against the grant.

- John Batson stated that to have the existing plans revised will cost approximately \$2500-\$4000. He verified that the cost was \$300.00 for the new permit.
- Commissioner Vatr questioned if we were to bring the plans down to sand level, could we modify without incurring fees. Mr. Batson stated that inevitably it will cost the Town money. He stated that our best bet would be to go with the original plan, with the boardwalk approx. six inches above the sand.

- Commissioner Lambeth pointed out that if we pursue this option; John should give the architect the letter from CAMA, show them the scope of work, and get a guaranteed price from the firm on the costs.
- Mayor Montgomery requested that Inspector Batson contact the architect to get more information.

### 3. *Update on Policy and Procedures for Public E-mails (James)*

Administrator James is researching towns in North Carolina and a town in Florida for models. The models allow for emails among town officials to be monitored by the public on the town's website. She is still researching what the protocol is and would like to bring this back to the council in December. She clarified that all communication in town emails, on computers, and telephones are subject to public review under the Freedom of Information Act.

- Mayor Montgomery questioned whether it would be possible for the Town to have a computer located here at Town Hall where the public could sign in and review archived emails. Administrator James clarified that would be possible, but it could also be accessible online using a personal pc.
- Commissioner Lambeth would like the models website's placed in the council's boxes for review. Dean would like Michelle to talk with other Town Administrators to see what kind of problems they are having.
- Commissioner Nelder stated that he uses his personal email address, and he does not want his personal address made public.
- Mayor Montgomery questioned if using personal email to conduct Town business makes his personal email subject to the Freedom of Information Act for public documents.
- Commissioner Vatr recommended that Administrator James address this issue with the Council of Government.
- Chief Cooper pointed out that making the emails accessible would require extensive IT knowledge and work. This would also cost a lot of money to the town and require having a full time IT specialist on staff.

Mayor Montgomery pointed out that all email records, including archived items, could be retrieved. However, it would take a lot of time and work to retrieve them.

Mayor Montgomery called for recess at 8:44.

Mayor Montgomery re opened the session at 8:54.

### 4. *Release of Climate Work Study to Public (Lambeth & Montgomery)*

Commissioner Lambeth pointed out that Chris May from the Cape Fear Council of Governments had completed a revised version of the climate study and presented it to the Council. Commissioner Lambeth stated that in his opinion the revised version is better and is more clear and understandable than the original.

**ACTION – Commissioner Lambeth MADE THE MOTION to release the revised version of the Climate Work Study to the public. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

- Mayor Montgomery stated the Climate Work Study would be posted on the website, circulated to the news, and made available to the public.
- Commissioner Vatrtr stated that one of the main issues in the climate study was interdepartmental communications.
- Commissioner Vatrtr recommended that in light of our current revenue shortfalls we put a freeze on all projects that the committees are working on, unless they are fully budgeted and have been approved by council. He also recommended having a workshop session in January with department heads, committees, and council to discuss the Town's goals and objectives as well as review the committee's directions, initiatives and goals.

Mayor Montgomery clarified that Chris May would facilitate the meeting and that a day time meeting would work best.

**ACTION** – Commissioner Vatrtr MADE THE MOTION to schedule a workshop with department heads, committees, and council in January to discuss the role and purpose of committees. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## **NEW BUSINESS**

### *1. Public Protocol (Nelder)*

Commissioner Nelder read his personal statement letter. This letter is included in the agenda packet.

### *2. Discussion & Approval of Amendment to Article IX. Swimming Pools, Section 5-180. All single-family and duplex/multi-family residences (Batson)*

John Batson discussed the Amendment and its specifications which state that pools are not to be built past the easement.

- Mayor Montgomery points out that the Amendment is found in Section 5 in the Code of Ordinances, which means that we are not required by statute to hold a public hearing. He clarified that the Amendment states that beachfront swimming pools cannot be built if it encroaches upon the perpetual easement necessary for beach re-nourishment.
- Commissioner Dugan questioned that when the Attorney and Building Inspector listed the zones on the Amendment they made sure there were no zones omitted from the ordinance.
- Attorney Canoutas recommended that the Amendment state “in all zones” instead of individually listing zones.

**ACTION** – Mayor Pro Tem Dugan MADE THE MOTION to adopt the Ordinance as presented and modified regarding swimming pools. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Attorney Canoutas will return to Council at the December meeting with changes to the above ordinance.

### *3. Discussion & Approval of Golf Cart Ordinance (Cooper)*

Chief Cooper points out that Golf Carts are beginning to be regulated like a vehicle.

There are two types of golf carts.

Type 1 - This type has a tag, inspection sticker, and insurance requirements. It also has to have a rear view mirror, seatbelts, lights, horn, etc just like a regular vehicle.

NOTE - This ordinance does not apply to registered and licensed golf carts.

Type 2 - The other does not have to abide by these regulations. The Town of Kure Beach would be responsible for regulating these golf carts.

The ordinance is identical to the Golf Cart Ordinance passed at Carolina Beach recently.

Chief Cooper has two main concerns:

The person must be licensed driver.

The NC Alcohol and Beverage laws would apply.

- Commissioner Lambeth pointed out there is no mention of seat belts in this ordinance. He stated that he could not support this ordinance without the seatbelt revision.
- Mayor Montgomery questioned whether we could add a provision for seatbelts in our town. Chief Cooper stated that we could, but we might be better off staying in line with what the Town of Carolina Beach does. If we have different set of rules, that would make enforcement very hard.
- Mayor Pro Tem referred to House Bill 538 where the Town of Kure Beach was given an exception allowance for Golf Cart operation along with several other local municipalities. He questioned why we were added to this bill and see's no reason to change the way we operate currently in regards to Golf Carts.
- Chief Cooper explained that he is simply presenting this information and not looking for a yes or no vote. He will get with Carolina Beaches Chief of Police to address the issues that were discussed at this meeting. He emphasized the fact that he fully supports any measure that will make people safer when driving on the Town's roads. There was also mention that liability insurance would fall under the drivers Home Owners Insurance Policy as a rider. The Town could require this insurance when the driver requests their permit, but the police department would have no way to know if their policy still carried that rider.
- Commissioner Vatr asked for Chief Cooper's opinion on the seatbelts issue.
- Citizen in the audience stated we should ask to be taken off of the bill.
- Mayor Montgomery recommended that the Council collectively give their concerns to Chief Cooper to acquire more detail in this matter before putting this up for a vote. He also pointed out that if taken off the bill, we would never be able to get back on. Comments should be submitted to the clerk.

CONSENSUS – This discussion will be tabled for the next Council meeting.

4. *Discussion of American flag presented outside of Town Hall (Mayor Montgomery)*

Administrator James pointed out that the Police Department and Administration would maintain the flag at Town Hall.

5. *Waste Management procedures (Re: Sharps containers & CFL lights) (James)*

Administrator James mentioned that she & Dean recently attended a Waste Management meeting. One of the topics discussed were CFL light bulbs that contain mercury which is toxic if released into the environment. There is a container that can be purchased from Waste Management for proper disposal. The container containing the CFL bulbs can be mailed to a disposal center.

Sharps containers can be ordered from Waste Management and placed in the recycle bin.

Mayor Montgomery questioned if Home Depot has a drop off for CFL light bulbs.

Michelle stated that she will research for further information.

Michelle also pointed out that there is a RoboCycler that will be at the street fair to promote recycling and inform the public on recycling protocol.

6. *Discussion of political signs (Dugan)*

Mayor Pro Tem Dugan mentioned that the Planning & Zoning Commission is looking at changing the ordinance for placement of political signs. He would like to ensure P&Z clearly state that no political signs are to be placed on all public property.

Mayor Montgomery would like for it to clearly define the area surrounding the polling place where political signs would be allowed.

Commissioner Nelder is questioning whether the ordinance could state that it would be illegal to place a sign anywhere other than private property.

Attorney Canoutas stated that the State of North Carolina prohibits any signs in a right of way.

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to direct P&Z to explore placement of signs on municipal property & length of time it can be on private property. Commissioner Vatrč seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

7. *Accept request from Seymour Johnson Air Force Base to connect Fort Fisher Recreation Area to the Town's Water Distribution System*

Sonny Beeker stated this has been in discussion for about 10 years. Sonny gave specs, and they have met them. The Town has requested a set of plans from their engineers. However, at this point all they need to have is approval from the state to do the tie in. They are looking to do a 6" tap off the Town's 8" line. It will cross under the street. It will be metered with a compound meter. They are looking for a Fire Protection Order which Chief Heglar is aware of. The fire flow would need to be 1,500 gallons per minute, for 120 minutes.

Mayor Pro Tem Dugan questioned how they would be charged. Sonny stated they would be charged as an out of town rate. Michelle and Sonny are going to get together with them to discuss the charges.

Mayor Montgomery requested the Administrator draft a letter of acceptance to Seymour Johnson Air Force Base.

**ACTION – Commissioner Vatrt MADE THE MOTION to approve request from Seymour Johnson Air Force Base to connect to the Town’s water distribution system. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

*8. Donation of Motorized Scooter (Lambeth)*

The scooter was willed to the Town of Kure Beach with the intention of allowing anyone who needs it to have access to it. The Police Department has the scooter along with a grill that was donated.

*9. Executive Session to discuss legal matters involving paving of roads (Tucker Square) and Atlantic Ave Boardwalk (CAMA Judicial Review/Appeal)*

**CLOSED SESSION**

**ACTION – Commissioner Vatrt MADE THE MOTION to go into closed session at 9:59 for a consultation with the Town Attorney regarding to discuss legal matters involving paving of roads (Tuckers Square) and the Atlantic Avenue Boardwalk (CAMA Judicial Review/Appeal). Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

**ACTION – Commissioner Nelder MADE THE MOTION to return to open session at 10:37 pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**


**CONSENSUS - The Council directed Sonny Beeker to explore the costs and options for paving existing street right of ways (Tucker Square) and return to Council with a recommendation.**

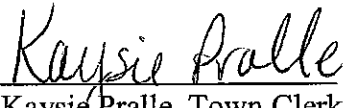
**CONSENSUS – The Council will contact the architect John Sawyer and ask him to revise the existing permit in accordance with the approved sketch provided by John Batson. Mr. Batson will also follow up with the estimated costs of this with Council intervening as necessary in regards to cost.**

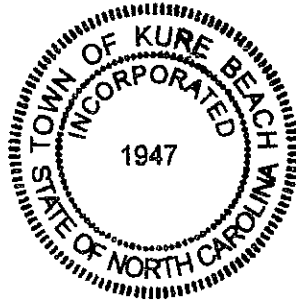
**CONSENSUS - The Council would also like Attorney Canoutas to answer a letter that was received from Christine Goebel from the Attorney General’s office indicating that it was never the intention of the Council to request a variance from the Coastal Resource Commission for any permits denied by the Division of Coastal Management.**

**ADJOURNMENT**

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

  
\_\_\_\_\_  
Mac Montgomery, Mayor

ATTEST:   
\_\_\_\_\_  
Kaysie Pralle, 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.

Town of Kure Beach

Town Council  
11/18/2008

Agenda Packet

*You are cordially invited*

**ANNEX DEDICATION CEREMONY**  
*Kure Beach Town Hall Annex*

*In honor of former Kure Beach Mayor Betty Medlin*

**Tuesday, November 18, 2008**

**6:00 p.m. Reception**

**6:30 p.m. Council Meeting & Ceremony**

*Kure Beach Town Hall*

*117 Settlers Lane*

*Kure Beach, NC*

*910-458-8216*



CERTIFIED PUBLIC ACCOUNTANTS

Gregory S. Adams, CPA  
 R. Bryon Scott, CPA  
 Alan W. Thompson, CPA

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 Wilmington, North Carolina 28403  
 Telephone (910) 799-4872

Offices:  
 Wilmington, NC  
 Elizabethtown, NC  
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SUMMARY OF AUDIT For (2008) 910-799-4872

	<u>2008</u>
GENERAL FUND	
REVENUES AND TRANSFERS IN	\$ 3,007,549
EXPENDITURES AND TRANSFERS OUT	<u>3,036,301</u>
NET REVENUES OVER EXPENDITURES AND TRANSFERS	(28,752)
FUND BALANCE AT BEGINNING OF YEAR	<u>2,027,481</u>
FUND BALANCE AT END OF YEAR	<u>1,998,729</u>
UNDESIGNATED PORTION OF FUND BALANCE	<u>1,154,784</u>
MINIMUM UNDESIGNATED FUND BALANCE AS RECOMMENDED LOCAL GOVERNMENT COMMISSION (8% OF EXPENDITURES)	<u>242,904</u>
FUND BALANCE AVAIL AS % OF GF EXPENDITURES	38.03%
STATEWIDE	66.98%
 WATER & SEWER FUND	
REVENUES AND TRANSFERS IN	1,576,314
CONTRIBUTED CAPITAL (GRANTS)	-
EXPENDITURES AND TRANSFERS OUT	<u>1,335,661</u>
NET REVENUES OVER EXPENDITURES AND TRANSFERS	240,653
FUND BALANCE AT BEGINNING OF YEAR	<u>5,063,852</u>
FUND BALANCE AT END OF YEAR	<u>\$ 5,304,505</u>

AD VALOREM TAX COLLECTIONS

	TOTAL	EXCLUDING MOTOR VEHICLE	MOTOR VEHICLE ONLY
CURRENT YEAR	99.03%	99.28%	88.58%
STATEWIDE	96.79%		



KURE BEACH TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 18, 2008  
6:30 pm

## ***AGENDA***

THIS AGENDA MAY BE AMENDED AT ANY TIME AND IS SUBJECT TO CHANGE.

**Call to Order and Welcome – Mayor Montgomery**  
**Invocation – Jonathon Barfield, County Commissioner**  
**Pledge of Allegiance – Mayor Montgomery**

### **RECOGNITION AND AWARDS**

- Presentation to Medlin family (Mayor Montgomery)
- Presentation to Jamie King, Crisis Intervention Training Officer of the Year (Chief Cooper)
- Presentation to Betty Swann, Chair of Board of Adjustments (Mayor Montgomery)

**PERSONS TO ADDRESS COUNCIL** (3 minutes- please sign in with the clerk before the meeting)

### **PRESENTATIONS TO COUNCIL**

1. Presentation of 2007-08 Audit – Auditor Greg Adams
2. Design of Informational and Beach Signs – Candace Clark, Beautification Committee
3. Seeking Grant for Solar Lighting & Parking Study Update – Tony Gonzoles, SLAP Committee

### **APPROVAL OF CONSENT AGENDA**

1. Building Department report: October 2008
2. Fire Department report: October 2008
3. Police Department report: October 2008
4. Finance report: October 2008
5. Accept resignation from Betty Swann - Board of Adjustments
6. Code Enforcement/Zoning Administration Employee to support Planning & Zoning and Board of Adjustments
7. Resolution designating applicant's agent for NC Division of Emergency Management
8. Council minutes:
  - 10/21/08 public hearing, regular, closed
  - 10/24/08 special, closed
  - 11/6/08 workshop, closed

### **ADOPTION OF THE AGENDA**



## **OLD BUSINESS**

1. Update on Ocean Front Park (Dugan)
2. Update on Atlantic Avenue boardwalk project (Nelder)
3. Update on Policy and Procedures for Public E-mails (James)
4. Release of Climate Work Study to Public (Lambeth & Montgomery)

## **NEW BUSINESS**

1. Discussion & Approval of Amendment to Article IX. Swimming Pools, Section 5-180. All single-family and duplex/multi-family residences (Batson)
2. Discussion & Approval of Golf Cart Ordinance (Cooper)
3. Discussion of American flag presented outside of Town Hall (Mayor Montgomery)
4. Waste Management procedures (Re: Sharps containers & CFL lights) (James)
5. Discussion of political signs (Dugan)

## **ADJOURNMENT**

Kure Beach Building Dept. Fees Received: 10/1/2008 - 10/31/2008

SubType / No	Fee Type	Parcel ID	StreetNo / Street	Contractor	Date	Fee	Date Recd	Fee Recd	Balance
<b>Permit Fee</b>									
<b>Building</b>									
5099	Building Demo garage doors	R09312-001-007-000	937 GENERAL WHITTING B	Coastal Dream Homes. Craio Sullivan	10/15/2008	\$150.00	10/15/2008	\$150.00	\$0.00
5100	Building To renovate old front porch	R09217-023-013-000	434 FOURTH AVE S	GARDNER. EDNA E HRS	10/15/2008	\$25.00	10/15/2008	\$25.00	\$0.00
5101	Building Demo to existing structures.	R09405-003-014-000	542 FORT FISHER BLV S	AGAPE/KURE BEACH MINISTRIES.	10/15/2008	\$200.00	10/15/2008	\$200.00	\$0.00
5097	Building Renovations	R09206-001-014-000	1106 FORT FISHER BLV N	SDI Const.. Beth Pancoe	10/7/2008	\$300.00	10/7/2008	\$300.00	\$0.00
5098	Building To Enclose porch area, build out porch.	R09206-001-013-000	1106 FORT FISHER BLV N	SDI Const.. Beth Pancoe	10/7/2008	\$900.00	10/7/2008	\$900.00	\$0.00
						<b>Total Fees from : Permit Fee Building</b>			<b>\$1,575.00</b>
						<b>Total Fees from : Permit Fee</b>			<b>\$1,575.00</b>
						<b>Total Balance Due from : Permit Fee</b>			<b>\$0.00</b>
<b>Residential Pool</b>									
5102	Building New 14x26 Pool	R09312-003-001-006	1055 FORT FISHER BLV S	Atlantic Pool and Spa.	10/29/2008	\$300.00	10/29/2008	\$300.00	\$0.00
						<b>Total Fees from : Residential Pool Building</b>			<b>\$300.00</b>
						<b>Total Fees from : Residential Pool</b>			<b>\$300.00</b>
						<b>Total Balance Due from : Residential Pool</b>			<b>\$0.00</b>
						<b>Total Fees Recd:</b>			<b>\$1,875.00</b>
						<b>Total Balance Due:</b>			<b>\$0.00</b>

Kure Beach Building Dept.-All Permits Issue Date: 10/1/2008 - 10/31/2008

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Descript	Final
<b>Building</b>								
<b>Demo</b>								
5101	10/15/2008	AGAPE/KURE BEACH MINISTRIES,	AGAPE/KURE BEACH MINISTRIES,	542 FORT FISHER BLV S	\$0	\$200.00	Demo to existing structur	
				Total Demo 1	\$0	\$200.00		
<b>pool</b>								
5102	10/29/2008	LaVecchia, et al, Rob	LaVecchia, et al, Rob	1055 FORT FISHER BLV S	\$24,000	\$300.00	New 14x26 Pool	
				Total pool 1	\$24,000	\$300.00		
<b>Renovations</b>								
5098	10/7/2008	SMITH, LARRY H CAROLINE B	SMITH, LARRY H CAROLINE B	1106 FORT FISHER BLV N	\$150,000	\$900.00	To Enclose porch area, b	
5097	10/7/2008	HYATT, THOMAS EDWIN JR ANNE	HYATT, THOMAS EDWIN JR ANNE	1106 FORT FISHER BLV N	\$33,500	\$300.00	Renovations	
5100	10/15/2008	GARDNER, EDNA E HRS	GARDNER, EDNA E HRS	434 FOURTH AVE S	\$500	\$25.00	To renovate old front por	
5099	10/15/2008	Coastal Dream Homes, Craig Sullivan	TASCONE, ARTHUR H CAROLE T	937 GENERAL WHITTING BL	\$10,000	\$150.00	Demo garage doors	
				Total Renovations 4	\$194,000	\$1,375.00		
				Total Building 6	\$218,000	\$1,875.00		
<b>Total Permits: 6</b>					<b>\$218,000</b>	<b>\$1,875.00</b>		

# KURE BEACH FIRE DEPARTMENT

## FIRE CHIEF'S REPORT OCTOBER, 2008

DATE	PURPOSE
10/06/08	DRILL
10/07/08	AUTO ACCIDENT
10/09/08	MUTUAL AID Cbfd
10/11/08	MUTUAL AID FPFd
10/13/08	DRILL
10/16/08	AUTO ACCIDENT
10/20/08	DRILL
10/24/08	WIRE DOWN
10/24/08	WATER RESCUE
10/25/08	WIRE DOWN
10/25/08	AUTO ACCIDENT
10/27/08	DRILL
10/27/08	EMS
10/29/08	FALSE ALARM
10/30/08	FALSE ALARM

All equipment checked and found to be in working order

Harold Heglar  
Chief



# *KURE BEACH POLICE*

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114 N. 7<sup>TH</sup> AVENUE, KURE BEACH, NORTH CAROLINA 28499  
TELEPHONE (910) 458-7586 • FAX (910) 458-9882

## **Police Activity Reports for October 2008**

Page 1	Activity Log Summary Totals
Page 2	Arrest Status/Disposition Totals by Offense
Page 3	Citation Totals by Charge
Page 4	Civil Papers Summary Totals
Page 5	Criminal Papers Summary Totals
Page 6	Incident Status/Disposition Totals by Offense
Page 7	Chief's Notes

# Activity Log Event Summary (Cumulative Totals)

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

911 Hangup	3	Accident	2
Alarm Activation	5	Animal Complaint	4
Assist Citizen	1	Assist Other Agency - Fire	3
Assist Other Agency - Law Enforcement	8	Assist Other Agency - Medical	8
Assist Other Agency - Other	1	BOLO	1
Check Welfare	1	Citizen Complaint	2
Civil Matter	1	Communicating Threats	1
Dispute	1	Domestic	3
Found Property / K-9	1	Information	4
Internal Information - LEO Only	1	Larceny - No Report	1
Lost or Found Property	2	Missing Person	1
Motor Vehicle Crash - Non-Reportable	1	Noise Complaint	2
Open Door	2	Special Assignment	3
Surrender NC Driver's License - Revocation Order	1	Suspicious Person/Vehicle	1
Traffic Control	1	Trespassing	2
Vehicle Stop	6		

Total Number Of Events: 74

# Arrest Status/Disposition Totals by Offense

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	1	1	0	0	1	0	1	1
2000 - Offenses Against Family	0	0	2	2	0	0	2	0	2	2
2100 - DWI - Alcohol and/or Drugs	0	0	2	2	0	0	2	0	2	2
2450 - Drunk and Disruptive	0	0	1	1	0	0	1	0	1	1
2690 - All Other Offenses	0	0	1	1	0	0	1	0	1	1
4010 - All Traffic (except DWI)	0	0	6	6	0	0	6	0	6	6
<b>Totals:</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>13</b>	<b>13</b>

# Citation Totals by Charge

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

Charge:	Number of Charges:
DWI	2
Driving While License Revoked	3
Unsafe Movement	1
Running Red Light	1
Possess/Consume Alcohol - Passenger	1
Other (Misdemeanor)	2
Other (2nd Charge - Misdemeanor)	3
Total:	13



# Civil Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

Type of Civil Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Subpoena	4	2	1	7	5
Totals:	4	2	1	7	5

# Criminal Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

Type of Criminal Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Criminal Summons	2	0	0	3	1
Order For Arrest	1	2	1	1	1
<b>Totals:</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>

# Incident Status/Disposition Totals (With Percentages) by Offense

Kure Beach Police Department

(10/01/2008 - 10/31/2008)

Primary Offense:	Total Reported:		Actual Incidents:		Cleared Arrest:		Cleared Other:		% Unfounded:		% Active:		% Inactive:		%
	Unfounded:	Arrest:	Incidents:	Arrest:	Other:	Arrest:	Other:	Arrest:	Other:	Unfounded:	Active:	Inactive:	Inactive:		
0690 - Larceny - All Other Larceny	2	0	2	0	0	0	0	0	0	0%	1	1	50.0%	1	50.0%
1400 - Criminal Damage to Property (Vandalism)	6	0	6	0	0	0	0	0	0	0%	5	1	83.3%	1	16.7%
2690 - All Other Offenses	1	0	1	0	0	0	0	0	0	0%	1	0	100%	0	0%
4020 - Suicide	1	0	1	0	0	0	0	0	0	0%	0	1	0%	1	100%
4040 - Non-Criminal Detainment (Involuntary Commitment)	2	0	2	2	0	0	0	0	0	0%	0	0	0%	0	0%
8010 - Missing Persons	1	0	1	0	0	0	0	0	0	0%	1	0	100%	0	0%
8011 - Runaway	1	0	1	0	0	0	0	0	0	0%	1	0	100%	0	0%
0000 - Crisis Intervention	1	0	1	0	0	0	0	0	0	0%	0	0	0%	0	0%
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>15</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>9</b>	<b>3</b>	<b>60.0%</b>	<b>3</b>	<b>20.0%</b>

## Chief's Notes

### Self Initiated Police Services:

Business Security Checks	192
Home Security Checks	261
Open Doors	2
Senior Welfare Checks	18

### Training and Other Activity:

October 13-14, 2008: Officers Mike Bowden and Richard Price completed their In-Service Training at the Carolina Beach Police Dept.

October 22, 2008: Officer Eric Earnhardt was sworn in as the newest addition to our 'family'.

Respectfully yours,

Dennis Cooper  
Chief of Police

**Town of Kure Beach**  
**FINANCIAL SUMMARY REPORT**  
**4 MONTHS ENDING 10/31/2008**

**GENERAL FUND**

REVENUES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % COLLECTED
AD VALOREM TAXES	1,580,082	9,330	0.60%
MOTOR VEHICLE TAXES	28,180	5,840	20.72%
LOCAL OPTION SALES TAX	494,900	206,374	41.70%
NHC ABC REVENUES	15,424	5,363	34.77%
COMM. TOWER RENT	68,950	24,704	36.90%
FRANCHISE FEES & VIDEO TAX	106,710	28,629	26.83%
BUILDING PERMIT FEES	32,660	15,365	47.08%
GARBAGE & RECYCLING	129,000	49,268	38.18%
GF BALANCE APPROPRIATED	58,337	-	0.00%
ALL OTHER REVENUES	308,968	90,047	29.14%
	<u>\$2,801,211</u>	<u>\$ 434,910</u>	<u>15.53%</u>

EXPENDITURES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % SPENT
410 GOVERNING BODY	30,553	8,076	26.43%
411 TOWN CLERK	50,522	10,809	21.39%
415 FINANCE DEPARTMENT	75,996	11,200	14.82%
420 ADMINISTRATION	310,683	118,680	0.00%
421 COMMUNITY CENTER	12,865	3,066	23.83%
431 P&Z & BD OF ADJ EXPENSE	2,500	-	0.00%
446 EMERGENCY MANAGEMENT	750	3,203	427.07%
460 TAX COLLECTION	27,900	3,153	11.29%
470 LEGAL DEPARTMENT	44,950	12,511	27.83%
510 POLICE DEPARTMENT	941,294	261,325	27.76%
530 FIRE DEPARTMENT	240,741	78,402	32.57%
531 LIFE GUARDS	172,939	115,235	66.63%
532 PARKS & RECREATION CLASSES	-	87	0.00%
533 PROJECTS/REQUESTS	10,000	4,800	0.00%
540 BUILDING INSPECTION/CODE ENFORCEMENT	86,780	25,280	29.14%
550 STREETS & SANITATION DEPARTMENT	793,128	256,993	32.40%
	<u>\$2,801,211</u>	<u>\$ 912,810</u>	<u>32.59%</u>

**SPECIAL PROJECTS AND RESTRICTED FUNDS**

POWELL FUND - REVENUES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % COLLECTED
POWELL FUND - REVENUES	72,692	71,316	98.11%
POWELL FUND - EXPENSES	72,692	5,131	7.06%
BEACH RENOURISHMENT FUND - REVENUES	12,300	167	1.36%
BEACH RENOURISHMENT FUND - EXPENSES	12,300	1,007	8.19%
STORM WATER FUND - REVENUES	251,220	36,793	14.65%
STORM WATER FUND - EXPENSES	251,220	36,378	14.48%
CAPITAL PROJECTS - REVENUES	1,011,716	4,912,828	485.59%
CAPITAL PROJECTS - EXPENSE TH/OFF	1,011,716	5,403,169	534.06%

**WATER & SEWER FUND**

REVENUES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % COLLECTED
WATER & SEWER CHARGES COLLECTED	\$ 1,366,000	\$ 528,866	38.15%
WF APPROPRIATED FUND BALANCE	\$ 193,817	-	0.00%
OTHER WATER & SEWER REVENUE	\$ 67,500	\$ 25,666	38.07%
	<u>\$ 1,648,317</u>	<u>\$ 554,532</u>	<u>33.61%</u>

**EXPENDITURES**

EXPENDITURES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % SPENT
WATER ADMINISTRATION & FINANCE	\$ 276,225	\$ 123,352	44.87%
WATER DEPARTMENT OPERATIONS	\$ 1,373,092	\$ 689,379	50.21%
	<u>\$ 1,649,317</u>	<u>\$ 813,331</u>	<u>49.31%</u>

**SPECIAL PROJECTS AND RESTRICTED FUNDS**

EXPENDITURES	CURRENT BUDGET	ACTUAL 10/31/2008	Y-T-D % SPENT
WATER/SEWER EXPANSION/RESERVE FUND - REVENUES	\$ -	\$ 7,500	0.00%
WATER/SEWER EXPANSION/RESERVE FUND - EXPENSES	\$ -	\$ -	0.00%
WATER/SEWER CAPITAL PROJECT - REVENUES	\$ -	\$ 37,791	0.00%
SEWER REHAB PROJECT - EXPENSES	\$ -	\$ 34,224	0.00%

**FINANCIAL & OPERATING INFORMATION**

Checking	\$ 341,336
Certificates of Deposit	\$ 1,392,067
<b>GRAND TOTAL</b>	<b>\$ 1,733,403</b>

Honorable Mayor and  
Members of the Kure Beach  
Town Council,

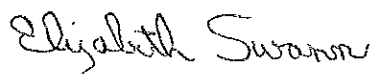
11 November 2008

This is to inform you of my decision to resign from the Kure Beach Board of Adjustment.

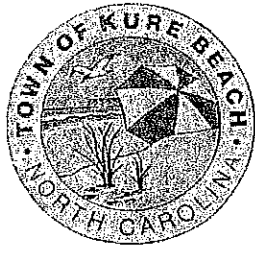
I have proudly served for over ten years and would like to step down and pursue other volunteer interests within the community at large.

Thank you for your support and best wishes to the other volunteers I have served with.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Swann".

Elizabeth Swann



# TOWN COUNCIL TOWN OF KURE BEACH, NC

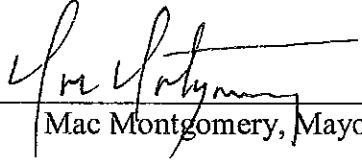
## *R*ESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH FOR DESIGNATION OF APPLICANT'S AGENT FOR THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT

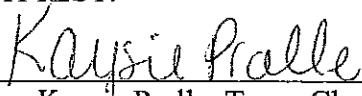
**NOW THEREFORE**, be it resolved by the governing body of the Town of Kure Beach that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Town of Kure Beach for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

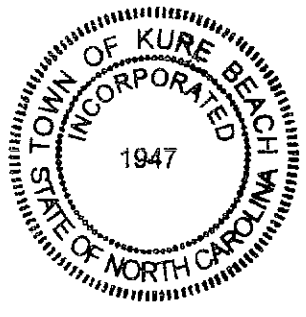
**BE IT FURTHER RESOLVED** that the above-name agents are authorized to represent and act for the Town of Kure Beach in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances, printed on the reverse side of the Designation of Applicant's Agent form attached heretofore.

**BE IT FINALLY RESOLVED THAT** the above-named agents are authorized to act severally.

**PASSED AND APPROVED** at a regular meeting of the Kure Beach Town Council on the 18<sup>th</sup> day of November, 2008.

By:   
Mac Montgomery, Mayor

ATTEST:  
  
Kaysje Pralle, Town Clerk



**RESOLUTION  
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) <u>Town of Kure Beach</u>	Disaster Number: <u>1801</u>
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): <u>N/A</u>	
Applicant's Fiscal Year (FY) Start Month: <u>07</u> Day: <u>01</u>	
Applicant's Federal Employer's Identification Number <u>56-600-2681</u>	
Applicant's Federal Information Processing Standards (FIPS) Number <u>129-36220-00</u>	

PRIMARY AGENT		SECONDARY AGENT	
Agent's Name	<u>Michelle James</u>	Agent's Name	<u>Mac Montgomery</u>
Organization	<u>Town of Kure Beach</u>	Organization	<u>Town of Kure Beach</u>
Official Position	<u>Town Administrator</u>	Official Position	<u>Mayor</u>
Mailing Address	<u>117 Settlers Lane</u>	Mailing Address	<u>117 Settlers Lane</u>
City, State, Zip	<u>Kure Beach, NC 28449</u>	City, State, Zip	<u>Kure Beach, NC 28449</u>
Daytime Telephone	<u>910-458-8216</u>	Daytime Telephone	<u>910-458-8216</u>
Facsimile Number	<u>910-458-7421</u>	Facsimile Number	<u>910-458-7421</u>
Pager or Cellular Number	<u>910-367-9711</u>	Pager or Cellular Number	

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 18 day of November, 2008

GOVERNING BODY		CERTIFYING OFFICIAL	
Name and Title	<u>Jim Dugan, Mayor Pro Tem</u>	Name	<u>Mac Montgomery</u>
Name and Title	<u>Barry Nelder, Commissioner</u>	Official Position	<u>Mayor</u>
Name and Title	<u>Dean Lambeth, Commissioner</u>	Daytime Telephone	<u>910-458-8216</u>
	<u>Jim Vattrt, Commissioner</u>		

**CERTIFICATION**

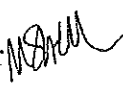
I, Mac Montgomery, (Name) duly appointed and Mayor (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Town of Kure Beach (Organization) on the 18 day of November, 2008

Date: 11/18/2008 Signature: Mac Montgomery



## MEMORANDUM

To: Town Council

From: Michelle James, Town Administrator 

Re: Job Description for Finance Officer

After working with staff and the local COG, the new job description for the finance officer has been completed. An advertisement has been published for a new finance officer as Susan Suggs is retiring on December 31, 2008. The advertisement is stated below for your information.

It is requested that Council amend the Consent Agenda and include the job description for the new finance officer. This position will report to me and I will conduct interviews, along with Susan and the current finance staff. I have requested that Commissioners Jim Varrt and Jim Dugan sit in on final interviews.

---

**Finance Officer** – Kure Beach, NC (pop. 2,160). Performs complex professional and responsible managerial and administrative work in planning, organizing and executing financial activities for the Town. Supervises daily finance operations; oversees disbursement and accounting of all town funds, payroll and utility billing; classifies & codes receipts & expenditures; assists auditors during annual audit and prepares financial reports. Qualified candidates will possess thorough knowledge of the principles & practices of public finance administration, have graduated from a four-year college or university with a degree in accounting and a minimum of three years experience in governmental finance and accounting or auditing work or an equivalent combination of education and experience. Submit resume to: Personnel Officer, Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 by Wednesday, December 3, 2008. Salary range: \$34,158.59 - \$53,275.65. Town of Kure Beach is an Equal Opportunity Employer & a Drug Free Work Place.

**TOWN OF KURE BEACH  
FINANCE OFFICER**

**CLASSIFICATION: 16**

**SALARY RANGE: \$34,158.59 - \$53,275.65**

**General Statement of Duties**

Performs complex professional and responsible managerial and administrative work in planning, organizing, and executing financial activities of the Town of Kure Beach.

**Distinguishing Features of the Class**

An employee in this class plans and administers the process for receiving, disbursing, and accounting of revenues and expenditures for the Town. Work involves management of the budget, purchasing, accounting, and payroll operations. The employee performs the specialized accountant level work in the preparation and analysis of financial reports and posting of revenues. The employee must exercise considerable, independent judgment and initiative in planning and directing the fiscal control system. Work is performed in accordance with established NC Local Government Commission's General Accepted Accounting finance procedures, grant requirements, and North Carolina General Statutes governing the responsibilities of government fiscal operations. The employee supervises and performs personnel management responsibility for staff assigned to them. Work is performed under the general supervision of the Town Administrator, and is evaluated through conferences, reports, monitoring agencies, and an independent audit of financial records.

**Duties and Responsibilities**

**Essential Duties and Tasks**

Plans, organizes, and supervises the operations of finance, including disbursement and accounting of all town funds, preparation of the payroll and maintenance of payroll and time records, and preparation of monthly, periodic and annual reports, and utility billings.

Classifies and codes receipts and expenditures; transfers funds and prepares items to be posted to the general ledger; and supervises establishment of records on computer.

Coordinates development of the annual general operating budget; works with each program head to project revenues and expenditures; prepares or reviews budget requests for accuracy and justification of resource allocation and expenditures; assists the Town Administrator in directing the formation of Town financial policies and in the final preparation of the budget.

Manages the receipt of all revenues; codes all revenues and expenditures at least monthly.

Ensures check reconciliations, invoicing, payments and collections are completed at least monthly.

Reviews and monitors on-going administration of budget, accounting and billing processes; prepares the indirect cost plan;

Assists town administrator with preparation of grant financial reports, invoices and requests for funds; and reviews budget systems and develops methods for improvement.

Provides financial information as requested for administration and preparation of grants, Stormwater, TDA and Powell funds.

Assists the auditors during the annual audit of the financial records; follows up on findings to improve financial systems.

Manages investments and securities as determined by Council.

Maintains a general accounting system for Kure Beach's financial records for each program.

Submits to the Town Administrator and the Mayor and Commissioners periodic statements of the financial condition of the town; reviews each department's revenue and expenditures reports and analyzes actions, discusses actions and documents rationale and justification for actions.

#### Additional Job Duties

Performs related duties as required.

#### Recruitment and Selection Guidelines

#### Knowledge, Skills, and Abilities

Thorough knowledge of North Carolina General Statutes and of local ordinances governing financial practices and procedures.

Thorough knowledge of the principles and practices of public finance administration; including principles and practices of governmental accounting.

Thorough knowledge of the principles and practices of governmental purchasing and payroll systems.

Thorough knowledge of grant guidelines and requirements.

Working knowledge of Kure Beach Town Government.

Considerable knowledge of information technology in relation to application to accounting, general management functions and the needs of Kure Beach.

Considerable knowledge of management and practices as applied to budgeting, purchasing, contract management and related issues.

Working knowledge of computer operation and basic skills in using personal computers for word processing, spreadsheet, presentation software, email, internet and limited database.

Ability to evaluate financial systems and formulate and install accounting methods, procedures, forms and records.

Ability to design and prepare analytical and interpretative financial statements.

Ability to establish and maintain effective working relationships with the public, department heads, employees, governmental officials, and supervisors.

Ability to conduct long-range fiscal planning.

Accuracy and thoroughness in the analysis and preparation of financial records and reports.

#### Physical Requirements

Must be able to perform the basic life operational skills of fingering, talking, hearing, and repetitive motions.

Must be able to perform sedentary work, exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push or otherwise move objects.

Must possess the visual acuity to prepare and analyze data and figures, accounting, to read extensively, and to operate a computer.

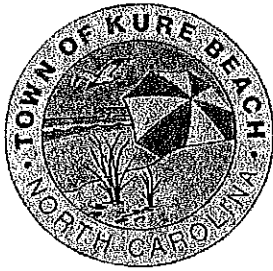
#### Desirable Education and Experience

Graduation from a four-year college or university with a degree in accounting and a minimum of three years experience in governmental finance and accounting or auditing work; or an equivalent combination of education and experience.

Special Requirements:

Possession of a valid North Carolina driver's license and access to a car on a regular basis that may be required in the performance of work.

FSLA Exempt



KURE BEACH TOWN COUNCIL  
SPECIAL MEETING - WORKSHOP

November 6, 2008  
1:00pm

## MINUTES

On November 6, 2008, the Kure Beach Town Council held a workshop for the purpose of discussing the climate study that was performed earlier this year by Chris May, Executive Director of the Council of Governments. Notice of this meeting was posted at Town Hall on October 22, 2008.

**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
Police	Dennis Cooper
Public Works	Sonny Beeker
Town Clerk	Kaysie Pralle

**STAFF ABSENT:**

None

Town Attorney A. A. Canoutas was in attendance. Chris May, Executive Director of the Cape Fear Council of Governments, was present. A quorum of the Town Council was present.

Mayor Montgomery called the workshop to order at 1:02 pm.

There was a general update from Finance Director Susan Suggs on the audit that was recently completed. Mayor Montgomery requested that a copy of the balance sheet be given to the council. Commissioner Vatr would like to have the audit evaluated for budget excess and where to re-distribute such excess. Town Administrator James reminded everyone that a financial analysis would be completed in December. The analysis would outline how cautious we need to be in our spending for the second half of the year. She also complimented the department heads on their good work last year in keeping within the budget.

There was recognition of Fire Chief Harold Heglar's birthday.

Mayor Montgomery stated the following:

- Chris May will be the mediator of this workshop
- This is a follow-up on the recommendations of the study

- There was a general agreement by the majority of the council that certain parts of the study were to be kept confidential.

Mayor Montgomery turned the floor over to Chris May.

### **Review of climate study results**

Chris May expressed his appreciation for being made a part of this study. He addressed the issue of releasing the climate study to the public. He emphasized that the study may reveal the persons interviewed and may single out others. He also established that it would not be beneficial for it to be released in its entirety.

-Commissioner Nelder asked if a condensed version could be assembled & released to keep confidentiality.

-Chris May confirmed that would be fine and he would be happy to meet with the council to edit a version that would be acceptable for public release.

-Mayor Montgomery communicated that the recommendations made by Chris May to improve the overall situation should be released with the revised version.

Chris stated that it was his determination that the problem that was of most concern was communication. The morale was not good. The council and employee's were unhappy. The Administrator was frustrated. He also pointed out that everyone he interviewed for the study had an opinion, but they were committed to do whatever it takes to make the situation better. He stated that there should be a two-way understanding of what everyone's roles are.

### **Establish Roles for Town Officials**

Chris May then directed his attention to his agenda for discussion. He addressed the Organizational Chart for the Town of Kure Beach, which was as follows:

Citizens – At the top. The town answers to the citizens

Governing Board --

- They are the elected officials and are ultimately responsible.
- They are in charge of policy making

Advisory Boards – Work for the governing body only

Town Attorney – Works for the town and advises governing body

Liaisons to Department Head –

- If there is a liaison they work as an advocate for the department
- Liaisons address council as needed
- Liaisons do not direct department or department heads

Department Heads-

- Department heads are in charge of implementing policy from governing board
- Department heads may make policy recommendations, but it is ultimately the council's responsibility to make the final decision
- Every department head has authority, but no more than other dept. heads

- Department heads address issues with their liaison and keep them informed

Town employees –

- Employees are on equal footing
- Receive direction through department heads via the governing board
- Employees should address issues with their department head

Town Clerk – Answers directly to the board and supports their administrative needs

Council members shared examples of where lines of communication were blurred. Commissioner Lambeth discussed policy versus procedure. He said he wanted to be involved in every discussion about policy. Commissioner Nelder shared an example of when he was the last council member to be informed even though he was the liaison for that department.

Chris pointed out that situations should always be handled at the lowest level. Chris determined that procedures should be left to the department heads and policy changes should come to the council.

**CONSENSUS** - When a department head sees a need, they will discuss it with their liaison. If the liaison finds there should be further instruction, the liaison will address the council.

Mayor Montgomery called for a 10 minute recess at 2:05

Mayor Montgomery called the meeting back to order at 2:17

### **Goals for the future forward / Board Comments**

-Mayor Montgomery

- Department heads opinions respected in key decision making
- Council to stick to policy and not so much of the day-to-day activities

-Commissioner Nelder

- The board should remember to listen to the voices of the citizens
- Department heads should respect council

-Commissioner Lambeth

- There should be better communication with dept. heads and liaison
- Rank committees on necessity and by statute requirements

-Commissioner Vatr

- Respect department heads as a “real source”
- Better define roles of committees

-Administrator James

- Better define the role and purpose of committees
- Determine which committees have achieved their goals & are no longer necessary

-Police Chief Cooper

- Committees should have a roadmap for future planning set by council

-Chris May

- When planning a budget workshop, review current year, then plan for future objectives
- Department heads should get respected for their areas of expertise
- Suggestion – Mayor to assign council members as liaisons for departments where they have expertise
- Suggestion – Council to get oriented annually/bi-annually with all departments. Spend a day with that department to better understand the department.
- Council to make sure committees are streamlined
- Defined success as “doing what we need to do to make it the best town ever, with the lowest cost to the taxpayer”.

### **Open Discussion**

- Administrator addressed the issue of department heads meeting every Monday. Suggested they only meet the first and third Monday's of the month.

CONSENSUS – Department heads will only meet on the first and third Monday of each month at 8 am. Council members are invited. It is not required they attend.

- Chris May stated that any committee that falls under a particular dept., that department will determine what it needs to do, what its goals are, and its necessity. The Administrator will ensure that the committee's are operating under their statutory requirements. Chris will return and help with committee issues (need, function, roles).

### **CLOSED SESSION**

ACTION - At 3:42 Commissioner Vatr MADE THE MOTION to go into CLOSED SESSION in accordance with General Statute 143318.11a3 to consult with attorney. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – At 4:38 Commissioner Vatr MADE THE MOTION to return to OPEN SESSION. Mayor Pro Tem seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Montgomery stated that the Council met in closed session to discuss beach front easements.



It is recommended that the following correspondence occur:

1. Letter to all beach front property owners informing them of the existence of easement lines and its legal limitations. Letter copied to CAMA & US Army Corps of Engineers.

ACTION – Commissioner Vatrtr MADE THE MOTION to mail the letter to all beach front property owners. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Letter to property owners whose homes were encroaching on easement. The letter would be sent certified mail. Letter copied to CAMA & US Army Corps of Engineers.

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to mail the letter to homeowners whose homes were encroaching on easement. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Motion to put on November 18<sup>th</sup> agenda a draft ordinance, amending section 5-180, dealing with swimming pools in Article 9.

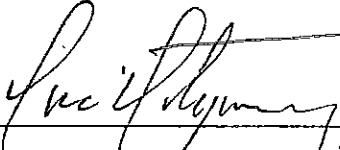
ACTION – Mayor Pro Tem Dugan MADE THE MOTION to have this item added to the November 18<sup>th</sup> agenda. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

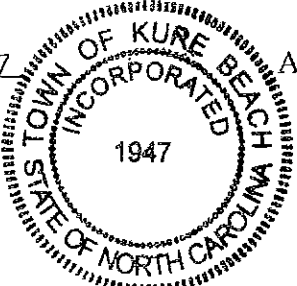
4. Building Inspector Batson to submit a proposal clearly defining decking and crossovers that are permitted under easement guidelines. The proposal is also to include any town allowances and recommendations from code enforcement officer regarding decking and crossovers (to include square feet).

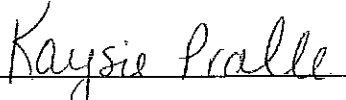
ACTION – Commissioner Vatrtr MADE THE MOTION to receive proposal from Building Inspector Batson regarding easement guidelines. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

#### ADJOURNMENT

ACTION – Commissioner Vatrtr MADE THE MOTION to adjourn the meeting at 4:38 pm. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

  
Mac Montgomery, Mayor



ATTEST:   
Kayste Pralle, 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.

  
**CAPE FEAR**  
**COUNCIL OF GOVERNMENTS**

**Serving  
Local  
Government in:**


**Brunswick  
County**  
Bald Head Island  
Belville  
Boiling Spring Lakes  
Bolivia  
Calabash  
Carolina Shores  
Holden Beach  
Leland  
Navassa  
Northwest  
Oak Island  
Ocean Isle Beach  
Sandy Creek  
Shalotte  
Southport  
St. James  
Sunset Beach

**Columbus  
County**  
Bolton  
Brunswick  
Cerro Gordo  
Chadburn  
Fair Bluff  
Lake Waccamaw  
Sandyfield  
Tabor City  
Whiteville

**New Hanover  
County**  
Carolina Beach  
Kure Beach  
Wilmington  
Wrightsville Beach

**Pender  
County**  
Atkinson  
Burgaw  
Surf City  
Topsail Beach

## Memorandum 11-12-08

**FROM:** Chris May, Executive Director CFCOG   
**TO:** Kure Beach Governing Body  
**SUBJ:** Public version of confidential Climate Survey

Attached you will find my recommended "public" version of the confidential Climate Survey. I have removed the specific findings that, in my opinion, would have compromised personnel related information that could have resulted in damage to individuals if taken out of context. The determination of that is subjective and based upon my tenure as a local government manager since 1979. While that determination is subject to final approval by the you, the Governing Body, I strongly encourage you to protect individuals and the process as intended, and consider the value of full disclosure of personal evaluations to the public in any subsequent decision made regarding this document.

I am satisfied that the report served the purpose of moving from rumor to fact and from fact to action. The meeting last week was extremely productive and showed me there is now a demonstrated desire of the team to move ahead in the interest of the common good of the Town of Kure Beach. The process could have gotten side tracked had it not been for the leadership demonstrated by each of you who, by restraining from responding in a manner that could have set back the whole process, acted in favor of the end goal of team building. You are to be commended.

I firmly believe that you have weathered a storm and now are making weigh for a more cohesive team who has accepted changes and are committed to work together. Two way communications, clearly articulated policy, and demonstrated support and respect for your management team will continue to pay dividends if maintained by you, the leadership.

#

**PROGRESS  
THROUGH  
COOPERATION**

## Town of Kure Beach Workplace Climate Study

Chris May, Executive Director  
Cape Fear Council of Governments  
Summer 2008

### **Background:**

Kure Beach is in a transition stage with a new Mayor and Commissioners, elected as change agents 18 months ago, and a new Town Administrator, hired in January of this year. They operate under the Mayor/Commissioner form of government with a weak mayor/strong commissioner organization. The Mayor and each Commissioner are assigned oversight of a Town Department Head. Each Department Head supervises their staff and manages their Department's operations. The Mayor and Commissioners administer the personnel policy, conduct annual evaluations, and make the final decision on hiring and termination of employees.

Prior to the Administrator, the town functioned with a strong and very tenured Town Clerk who served as the de facto administrator before retiring two years ago. The Clerk position generally served as a conduit for implementation of Board policy, a sounding board for the department heads, and the Town's good will ambassador to all who visited the office. Department Heads maintained their autonomy with general oversight by the elected Commissioner assigned to their Department. The successor Clerk assumed substantially the same role. This organization was inherited by the "new" Board.

Shortly after the new Board took office they agreed to investigate the feasibility of hiring an administrator who could move the town towards full time professional management. A citizens committee was established who met over a 9-10 month period. During that time careful research was conducted with comparative analysis and input from external municipal experts. Their findings led to their recommendation that the Town first hire an Administrator, retaining the current Mayor/Commissioner form of government, and after evaluating that position, determine any future changes, including amending the Town Charter to adopt the Council /Manager form of government. The success of the initial transition would determine the next steps. The Mayor and Commissioners, in keeping with the committee's recommendation, and following an extensive search and vetting process, hired an Administrator in January of this year. The Town's senior Department Heads, while not fully supportive, accepted the sovereignty of the Board and adopted a wait and see attitude towards the new position.

When a new Administrator was hired, there were varying expectations for the position, either expressed by the different members of the Board, or implied by the “rumor mill”. That inconsistency in communication set the stage for what has become general dissatisfaction with the concept. Office personnel thought they were getting additional clerical help while other Departments hoped for a hands-off type of administrator like the previous Clerk. The Administrator took a firm grip of the helm of Administration and sought to provide management oversight to the operations of the Town, recommending efficiencies and policy changes at the bequest of the Governing Board. The ensuing backlash culminated when a revised Personnel Policy was presented to the Department Heads that rescinded promised long term accrued benefits. The resulting rumble got the attention of the Governing Board who determined an outside unbiased professional assessment of the organization was needed.

In June of this year the Mayor and Commissioners asked the Cape Fear Council of Governments to evaluate the “climate” of the workplace thru confidential interviews of the staff and Governing Board, and report those findings in the form of recommendation for action.

**Process:**

To best determine the climate, a survey was sent to every employee and Governing Board member to complete. A follow up personal interview was then conducted with each Department Head and governing Board member, as well as with randomly selected line employees. Chris May, CFCOG Executive Director, conducted the survey and the interviews, keeping both in strictest of confidence to ensure employees had the freedom to give accurate information, regardless of the tenor, without fear of repercussion. The questions asked ranged from “do you know your chain of command” to “what would you change if you could to make the workplace even better than it is.” Interviews were conducted in private and lasted an average of one hour each.

The results of the surveys and interviews were carefully analyzed by the consultant and summarized in this report.

**Findings:**

Only seven (7) written surveys were received out of over forty (40) handed out. Of those, the responses generally indicated that they did not wish to participate, and they loved their job! The others were much more pointed, often indicating strong opinions about the process used to establish an Administrator position and a general feeling of abandonment or being ignored by Commissioners. The interviews confirmed that sentiment was widespread.

I have categorized the responses into General and Specific Issues. The specific issues, being more pointed and personal in nature have been excluded from this public version of the report in keeping with sound personnel management guidelines. The specifics were discussed in detail during a closed session of the Governing Body in the nature of a multiple personnel matters.

- **General Summary of Findings:**

- **Most Employees say the workplace climate is poor**

- The Administrator position was not intended to be the focus of the study but very quickly emerged as the primary issue, followed closely by the Governing Board. Of all the interviews of employees, only two stated they thought things were better now than it was before. A majority of the Commissioners were more positive, although they all agreed there was a problem with morale.

- **Miscommunication over role of Administrator:**

- Depending on who was interviewed, there were very differing perceptions of why an Administrator was hired, and much division regarding the duties of the Administrator. It was evident that there was not a clear and consistent understanding passed down from the Governing Board to the Departments as opposed to from the Board to the Administrator, and from the Departments to the staff. As a result, a majority of the town staff started out with a negative opinion of the process, some even feeling they had been deceived.

- **Breakdown in trust and respect:**

- Further, there is general feeling by staff of distrust or disrespect from top down. This resulted from significant unilateral policy changes, feelings of being ignored, and concern that a majority of the Commissioners do not feel the employees deserve the benefits and pay they currently receive. That was compounded with the injection of a “new boss” who many feel has overstepped her perceived authority by “meddling” in their day to day business.

- **Potential turnover in key staff possible:**

- Several key staff have expressed they have considered looking for another job if the trend continues. As of this report, the Finance Director and the Town Clerk have put in notice of resignation, both noting reasons other than the organizational issues as their reason for leaving. One other Department Head is seriously considering looking elsewhere, while the others have expressed they are not happy with the current state of the town. One line employee stated that their job satisfaction, on a scale of one to ten with ten being best, is currently at one!

## **Conclusions and Recommendations:**

### **Conclusions:**

**It is my opinion that the existing workplace climate is poor.** Morale and poor workplace climate is mostly due to misinformation and lack of clear direction from the top down. Key employees are likely to quit if things do not improve, leaving the Town with loss of substantial experience. They all need to be assured of their value and given the respect and compensation packages they have earned.

### **Recommendations:**

Senior Staff and Department Heads should be a part of the management Team and not be excluded from decision making, especially in their areas of proved expertise. The Administrator should be supported as a facilitator who supports the operations of the Town serving as a leader for the staff, not a boss. The trust between the Board, Administrator, and the employees must be established by positive corrective actions.

At the same time, it must be fully understood by all levels of staff that the citizens elect five people to govern their Town. It is the Governing Body's responsibility to be stewards of the public trust and establish governance that reflects their perceived will of the people. In doing so, the Governing Board must set rules and standards, establish policy, and appoint management to carry out those policies. While input from the staff is valued and should be considered as professional advice, it is ultimately the Board's duty to do what they feel is best for the Town.

Kure Beach has vested the current Board with these duties, and in response to their perceived public mandate, the Board has established an Administrator position. Whether or not the current Administrator and the Town are a "good fit" for each other is subject to debate, but the need for the position has been demonstrated and is supported by the citizens.

In light of this study, the Board must determine the question of fit, and then must proceed with a clear and consistent direction on the role that is to be filled by the position as it relates to all levels of Town governance.

### **Specific Recommendations for next steps:**

- 1. Review and discuss the recommendations with the consultant**  
After reading and digesting the report, it is expected that there should be questions. This should be a private matter due to the sensitivity and personnel matters being discussed, although this entire report shall become

public information upon acceptance. During this discussion, the role of the Administrator as the position relates to the Town must be solidified. This includes matters of oversight, the organizational chart, and the powers and duties conferred on the position.

2. **Review and discuss recommendations with the Administrator**  
Given that much of this is an assessment of the Administrator's performance, an executive session is warranted. During this discussion the issue of whether the current Administrator and the Town are a good "fit" for each other should be addressed frankly in the best interest of both.
3. **A retreat with the Department Heads to set the way forward**  
This meeting should include facilitated two way open discussion between the Department Heads and the Board, subject to agreed upon ground rules enforced by the facilitator. The way forward should be developed from the discussions but shall be decided upon only by the Board.
4. **Two way review of job descriptions/missions**  
There needs to be a facilitated review of Town mission and vision, followed by an internal by-department review of critical functions, processes, and duties for each position. During the job description review it will be important to evaluate the processes from the bottom up, not just top down. I recommend employees draft their own job description, review that with their supervisor, then the supervisor with the Department Head. A consultant should guide and facilitate the process.

**Final Assessment:**

While the morale is low and confidence in the leadership wavering, all is not lost. Positive leadership will turn the situation around. The retreat is a necessity to get everyone back on track. Clear and concise roles and goals will trump rumors or misinformation, and will set the course for the way forward. Keep the political contests out of the day to day operations, and go the extra mile to pull together as a Board, leading with decorum commensurate with your trusted office.

**Chris May, Executive Director  
Cape Fear Council of Governments  
(910) 470-6609 Cell**

## PERSONAL STATEMENT

I FEEL THAT ALL OF THE MEMBERS OF THIS BOARD SHOULD HAVE THE TOWN OF KURE BEACH AND ITS CITIZENS BEST INTEREST AT HEART

PERSONALLY I DO NOT FEEL THAT THIS STATEMENT IS 100% ACCURATE

SOME OF THE CITIZENS AND I HAVE BEEN EMPARRASSED & DISSAPPOINTED BY THE ACTIONS OF SOME OF OUR ELECTED OFFICIALS

WE ARE REPRESENTATIVES OF THE  
TOWN OF KURE BEACH

AND SHOULD ACT ACCORDINGLY.

PERSONAL DIFFERENCES SHOULD NOT BE AISED IN PUBLIC!!

Berry G. Nelson



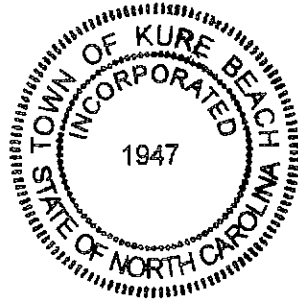
**ORDINANCE**


That ARTICLE IX SWIMMING POOLS, Section 5-180 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 5-180 ALL single-family and duplex/multi-family residences.

Single-family and duplex/multi-family residences in all zones, may install a swimming pool provided it meets the lot setbacks for that specific ordinance, including any CAMA setbacks for ocean front lots and including a survey showing the location of the perpetual easement granted to the Town of Kure Beach, N.C. for the Carolina Beach and vicinity – Area South Hurricane Wave and Shore Protection Project for beach re-nourishment and the pool installation must meet all of the rules and regulations of the State of North Carolina defined in 15ANCAC18A section 2500 and general statutes 130A-280, New Hanover County Board of Health rules in sections 8000 through 8008 and the Codes of the Town of Kure Beach.

Adopted this the 18 day of November, 2008.



  
\_\_\_\_\_  
MAC MONTGOMERY, MAYOR

ATTEST:

  
\_\_\_\_\_  
KAYSIE PRALLE, TOWN CLERK

## ORDINANCE

That the Code of the Town of Kure Beach, North Carolina is hereby amended by adding to Chapter 10, Article VII, Division 3 to be numbered Sec. 10-315 through 10-318 which shall read as follows:

### **Chapter 10 Motor Vehicles and Traffic Amend Article VII, Div. 3 to create Section 10-315**

#### **Golf Cart Regulation**

**Section**

10-315	Policy statement
10-316	Rules and regulations
10-317	Permit required & permit fee
10-318	Penalty

#### **10-315 POLICY STATEMENT**

This chapter is adopted to address the interest of public safety under the provisions of G.S. 160A-300.5 of the General Statutes of North Carolina which provides the Town of Kure Beach authority to regulate the use of golf carts in the town that have not been outfitted and registered as required by state law. Generally, golf carts, hereinafter called "carts" that have not been outfitted and registered are not designed or manufactured to be used on anything other than golf courses and the Town of Kure Beach in no way advocates or endorses their operation elsewhere in town. The Town, by regulating such operation is merely trying to address obvious safety issues and adoption of this chapter is not to be relied upon as a determination that operation is safe or advisable if done in accordance with this chapter. All persons who operate or ride upon carts do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others including their passengers, other motorists, bicyclists and pedestrians. The Town of Kure Beach has no liability under any theory of liability for permitting carts to be operated in town. The owner and operators of a cart are responsible for any liability involved in using a cart. Without the adoption of standards for operation on private streets, there are currently no rules or regulations that address golf cart operation and by creating standards for limited operation on the private streets within Kure Beach, the Town is responding to citizen concerns regarding operation deficiencies. These regulations impose more stringent policies on cart operation. The Town does not encourage cart operation and does not represent that operation of carts under these rules will render cart operation totally safe and without risk to the driver and passenger of said vehicles.

## **10-316 RULES AND REGULATIONS**

Carts that are not equipped and registered as required by the State Motor Vehicle Law may only be operated within the Town of Kure Beach in accordance with the following rules and regulations. Operation of carts in violation of these rules and regulations shall be subjected to the penalty provisions of 9-55.04 or in egregious cases may constitute reckless driving as defined in North Carolina General Statutes.

- (A) Carts shall only be driven on roads posted 35 miles per hour or less.
- (B) Carts must have liability insurance coverage.
- (C) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles.
- (D) Carts operating between the time of one-half hour after sunset and one-half hour before sunrise shall be equipped with and have in use headlights and reflectors located on the rear of the cart.
- (E) Carts shall be equipped with at least one operational mirror allowing the operator to see behind the cart.
- (F) No one is allowed to stand on a golf cart while it is in operation and may only have the appropriate amount of people that the golf cart is designed to carry.
- (G) The operator of the golf cart must possess a valid driver's license, or must have a drivers permit and be accompanied by a licensed driver.
- (H) North Carolina laws as found G.S. § 20-138, regarding use of alcoholic beverages apply to golf cart regulation in the Town of Kure Beach.

## **10-317 PERMIT REQUIRED & PERMIT FEE**

- (A) No golf cart may be driven within the Town of Kure Beach without a permit being acquired from the Town and attached to the left, driver's front portion of the golf cart.
- (B) The Town Administrator or his designee is hereby authorized to issue a permit to all appropriate applicants, one per golf cart to be operated. When issuing this permit, the applicant shall be required to sign a statement certifying he or she has read the provisions of the Town's ordinance on golf cart usage as set forth in 10-316 above. The permit shall be in such form as the Town may deem practical for ease of visibility.
- (C) License fee of \$\_\_\_\_\_ shall be assessed for each permit.

**10-318 PENALTY**

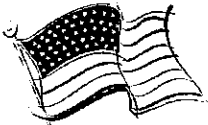
Violation of Section 10-315 through 10-317 shall be a misdemeanor and punished with a fine of \$50.00 for each violation.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAC MONTGOMERY, MAYOR

ATTEST:

\_\_\_\_\_  
KAYSIE PRALLE, TOWN CLERK



**Richard E. Morton, Jr.**  
122 Settlers Lane  
Kure Beach, NC 28449-3943

Home: 910.458.5308 ♦ Office: 910.815.4530 Ext 220  
Home: [rickmorton@charter.net](mailto:rickmorton@charter.net) ♦ Office: [rick.morton@faa.gov](mailto:rick.morton@faa.gov)

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October 6, 2008

Michelle James  
Town Administrator  
Kure Beach Town Hall  
117 Settlers Lane  
Kure Beach, NC 28449-3943

Dear Michelle:

We have met on a few occasions however; as a Veteran of the Armed Forces serving our country in the U.S. Navy for 24 years, I am sending this letter in regards to my concerns on the proper display of the U.S. Flag at Town Hall.

For the past two years I have contacted the Town Hall's receptionist or other employees and expressed that the U.S. Flag is not properly illuminated at night or the flag is torn and tattered and should not be displayed in this condition.

I feel it is disgraceful that our Town Hall does not take pride in properly displaying our Nations Flag with proper protocol. Displaying the American flag without the proper respect reflects badly on both Town Hall and the flag.

These simple acts show respect for the flag and country it represents. Take them no more lightly than you take your freedoms or the people who died for them.

**Q: When should a displayed flag be replaced?**

When a flag is no longer of dignified appearance (torn, tattered, frayed, etc.) and cannot be repaired, the flag should be destroyed in private in a dignified way without ceremony.

**Kure Beach Town Hall has been flying a frayed flag for over two months.**

**Q: Should the flag be taken down at night?**

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if **properly illuminated** during the hours of darkness.

**Kure Beach Town Hall flag has not been illuminated since June. The light, located on the roof of Town Hall is burned out. I have reported this to the Town Hall Receptionist.**

**Q: Should the flag be taken inside when the weather is bad?**

The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

With the upcoming elections in November, a flag should be displayed in or near every polling place on election days. It would be nice if we had new flag displayed on November 4, 2008.

Above all, our American flag is considered a living thing, reflecting the growth and changes our country has undergone from its beginning to today.

Any assistance you can provide in resolving this issue would be greatly appreciated.

Sincerely,

*Richard E. Morton, Jr.*

RICHARD E. MORTON, JR.



▪ **TITLE 4--FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES**

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- CHAPTER 1--THE FLAG
  - CHAPTER 2--THE SEAL
  - CHAPTER 3--SEAT OF THE GOVERNMENT
  - CHAPTER 4--THE STATES
  - CHAPTER 5--OFFICIAL TERRITORIAL PAPERS
- 

Questions or comments regarding this service? Contact the  
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by telephone at 1-202-512-1530 or 1-888-293-6498; or by fax at 1-202-512-1262.

(Last updated January 8, 2004)



## Whose Health and Safety Are You Putting at Risk?

Everyone knows that fluorescent lamps must be recycled because they contain mercury. And mercury is extremely harmful, especially to pregnant women and to children. But what most people don't know or realize is that one of the most common exposures to mercury is broken lamps in the workplace—your workplace.

This is why your employee's health and safety is at risk. During accumulation and storage for recycling, unprotected spent fluorescent lamps are stored in unsafe places like janitor closets, basements and storage rooms. The result? Lamps are easily broken exposing your people, your customers and you to the dangers of mercury poisoning. Just one broken lamp may release enough mercury vapor to exceed OSHA standards.

### **Reduce the risk with LampTracker™**

LampTracker is the safe, cost effective solution for collecting,

storing, handling, shipping and recycling fluorescent lamps.

It's a proven way to gain consistent company wide compliance. LampTracker's unique patent-pending TriGuard™ containment system includes an easy-loading, multilayered, tough container that also serves as a shipper. It means you can minimize the risk of mercury exposure, better ensuring the health and safety of your employees.

### **Do It All Online**

Visit us at [www.WMLampTracker.com](http://www.WMLampTracker.com). Once your LampTracker container is filled, go online to arrange for shipping, place additional orders, track shipments and print recycling certificates. It's fast, simple, affordable and convenient.

Manage your health and safety risk and your liability. Visit our web site today or call 1-800-410-9008 and make sure that you and your people are better protected for years to come.

**WMA**  
WASTE MANAGEMENT

*From everyday collection to environmental protection,  
Think Green. Think Waste Management.*



# Fluorescent-Lamp Recycling with Waste Management's LampTracker™ Program is Safe, Simple and Cost- Effective.

Fluorescent lamps contain mercury. When lamps are broken during handling and storage, they release mercury into the room and put your employees—and your company—at risk.

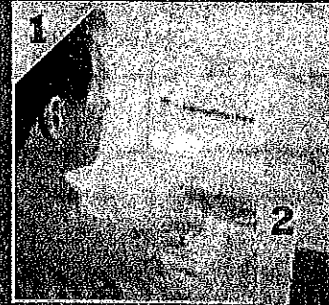
Our self-sealing TriGuard™ box within a bag within a box with activated carbon pads reduces the risk of mercury exposure for employees and carriers during collection, storage, and shipment, thus reducing your liability.

We track your container from order through recycling. Complete documentation of your regulatory compliance and the status of every container you've ever ordered is always available at:

**LampTracker™**  
from Waste Management

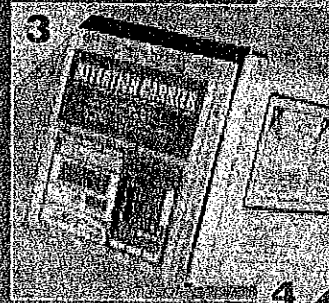
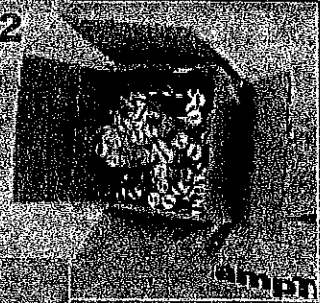
**www.WMLampTracker.com**  
**1-800-410-9008**

## Five easy steps to safety & compliance...



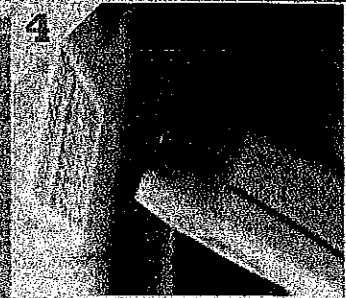
**ORDER.** Order LampTracker TriGuard containers online at [www.WMLampTracker.com](http://www.WMLampTracker.com)

**PACK.** Illustrated assembly and use instructions are included on the box.

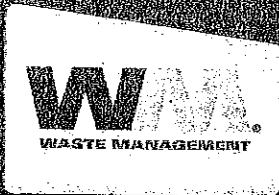
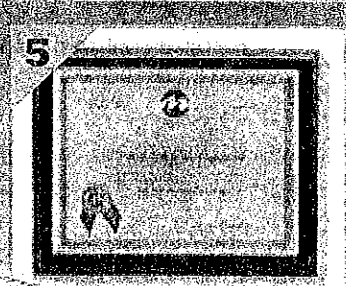


**SHIP.** Your prepaid return shipping label is already attached. Place your TriGuard container where UPS or FedEx normally pick up.

**TRACK.** A bar code with your identification is attached to each container you order for complete tracking and documentation at [www.WMLampTracker.com](http://www.WMLampTracker.com)



**VERIFY.** You'll receive an email confirmation of your order and a tracking number to verify your container's status.



*From everyday collection to environmental protection,  
Think Green® Think Waste Management.*

**ARTICLE VI. SIGNS****Sec. 19-371. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Billboard* shall mean an independent advertising device used to disseminate information concerning a person, place, activity or thing not pertaining to the use of the land upon which the advertising device is located.

*Freestanding sign* shall mean an outdoor sign when such sign is supported by uprights or braces in or upon the ground. Ground sign does not mean billboard.

*Marquee sign* shall mean a projecting sign attached to or hung from a marquee and such marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building line or property line.

*Portable sign* shall mean any sign which is not securely and permanently attached to the ground or a building.

*Projecting sign* shall mean an outdoor sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line or property line.

*Roof sign* shall mean an outdoor sign erected, constructed, or attached above or to the roof of any building.

*Shingle sign* shall mean a projection or wall sign attached to a building.

*Sign* shall mean any outdoor device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations designed to advertise, inform, identify or to attract the attention of persons. A sign shall be construed to be a display or device containing elements organized, related, and composed to form a single unit. In the event material is displayed in a random or unconnected fashion without organized relationship of the components, each component or element shall be considered a single sign.

*Temporary sign* shall mean a sign to be used on an interim basis.

*Wall sign* shall mean an outdoor sign that is affixed to or painted on the wall of any building, providing it does not project more than twelve (12) inches from the building.

(Ord. of 8-19-03)

**Sec. 19-372. Application of regulations.**

All signs within the jurisdictional area shall be covered by these regulations and shall be erected, constructed, and maintained in accordance with the provisions of this article, the North Carolina Building Code, and the National Electrical Code. Only those signs that are permitted shall be erected within the jurisdictional areas of this article. See the table on file in the town clerk's office for list of signs that are prohibited by zone.

(Ord. of 8-19-03)

**Sec. 19-373. Exceptions.**

The signs listed below are excluded from these regulations:

- (1) Signs not exceeding four (4) square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations and are on owner's property.
- (2) Flags, signs, and insignias of any governmental agency, except where displayed in connection with commercial promotion; items in this category are not to exceed thirty-two (32) square feet.
- (3) Signs directing and guiding traffic, parking and safety signs on private property, but bearing no advertising matter. Items in this category are not to exceed thirty-two (32) square feet.
- (4) Yard sale and for sale signs which are temporary. Items in this category are not to exceed six (6) square feet. All signs in this category must be set back five (5) feet off street right-of-way in all zones except B-1. All signs in this category in the B-1 district must be set back three (3) feet from the right-of-way. If three (3) feet is not available the sign must be behind the sidewalk or attached to the structure.
- (5) Signs located on church property not exceeding thirty-two (32) square feet. A maximum of two (2) church signs directing persons to churches located within the town not exceeding four (4) square feet each.
- (6) All existing signs which existed at the time of adoption of the ordinance from which this section was derived shall be allowed to continue to exist and to be repaired or replaced provided the square footage of the sign areas remain the same.
- (7) Political signs may be erected on any principal building or on any premises. One may erect non-illuminated political signs for a period of sixty (60) days prior to any primary or general election. Political signs shall be removed within thirty (30) days after the general or run-off election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Political signs will not be allowed within the right-of-way in the town limits or its extraterritorial jurisdiction.

(Ord. of 8-19-03)

#### **Sec. 19-374. Permit required; administration.**

- (a) The building inspector shall issue a permit for the erection or construction only for a sign which meets the requirements of this article.
- (b) Filing procedures for permits to erect, hang, place, paint, or alter the structure of a sign shall be submitted on forms obtainable from the building inspector.
- (c) Each application shall be accompanied by a plan showing the following:
  - (1) Area of the sign;
  - (2) Size, character, general layout and designs proposed for painted displays;
  - (3) The method and type of illumination, if any;
  - (4) The location proposed for such signs in relation to property lines, zoning district boundaries, right-of-way lines, and existing signs;
  - (5) If conditions warrant it, the building inspector may require such additional information as will enable him to determine if such sign is to be erected in conformance with the requirements of this article; and
  - (6) Payment of fee to obtain building permit.

(Ord. of 8-19-03)

**Sec. 19-375. [Prohibited signs.]**

No sign shall be erected that:

- (1) Obstructs the sight distance at intersections or along public right-of-ways; or
- (2) Would tend by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle;
- (3) Might be confused with traffic directional signals and signs such as "stop", "go", "slow", "danger", etc.; or
- (4) Is a flashing or intermittently illuminated or moving signs that impair or distract a motorist or pedestrians vision or attention.

(Ord. of 8-19-03)

**Sec. 19-376. Maintenance.**

Whenever a sign becomes structurally unsafe or endangers the safety of a building or the public, the building inspector shall order that such sign be made safe or removed within a period of ten (10) days following receipt of the order by the person owning or using the sign. A period of six (6) months from the effective date of the ordinance from which this section was derived shall be allowed for complete compliance with this section.

(Ord. of 8-19-03)

**Sec. 19-377. Location.**

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or sign post erected by any governmental agency. This includes manmade objects or natural objects not intended to support a sign.

(Ord. of 8-19-03)

**Sec. 19-378. Illumination.**

Illumination devices such as, but not limited to, flood or spot lights shall be placed and shielded to prevent the rays of illumination from being cast upon neighboring buildings, pedestrians in public right-of-ways, and/or vehicles approaching from either direction.

(Ord. of 8-19-03)

**Sec. 19-379. Temporary signs.**

Temporary signs may be used one (1) time for a period of not longer than sixty (60) days.

(Ord. of 8-19-03)

**Sec. 19-380. Prohibited signs.**

No signs shall be permitted advertising or directing persons to services, places or products not in the jurisdiction of this article. Billboards are prohibited in any district.

(Ord. of 8-19-03)

**Sec. 19-381. Nonconforming signs.**

All signs or advertising structures located in districts where they would not be permitted as a new use under the terms of these regulations are hereby declared to be nonconforming uses. However, signs that are nonconforming as a result of improper illumination shall be made to conform to the requirements of this article within six (6) months.

(Ord. of 8-19-03)

**Sec. 19-382. Schedule of sign regulations.**

The following is a schedule of the sign regulations:

TABLE INSET:

ZONES	BILLBOARD	FREESTANDING	MARQUEE	PORTABLE	PROJECTING	ROOF SIGN
X = PROHIBITED						
RA-1	X	X	X	X	X	X
RA1A	X	X	X	X	X	X
RA-2	X	X	X	X	X	X
RA-2A	X	X	X	X	X	X
RA-2T	X	X	X	X	X	X
RA-3	X			X		
RA-3A	X			X		
RA-4	X			X		
RB-1	X			X		
B-1	X			X		

B-2	X			X		
B-3	X			X		

(Ord. of 8-19-03)

Secs. 19-383--19-400. Reserved.



## Kure Beach Building Department

117 Settlers Lane • Kure Beach, NC 28449

(910) 458-6535 • fax (910) 458-4269

John Batson, Building Inspector

To: Council

From: John Batson

A handwritten signature in black ink, appearing to be "JB", is written over the name "John Batson".

Re: Beach Renourishment Easement

Date: 11/18/08

In the Nov. 6<sup>th</sup> meeting, Council asked me to present my recommendations to them about what our definition of walkway/decking is within the easements. When I was asked to do this, it seemed as though Council wanted to allow some decking in the easement.

If this is the direction council wants to go, my recommendation would be to allow no more than 250 sq. feet of deck within the easement, this excludes the walkway to the beach. This would only apply to the Seawatch area; it is the most challenged by the location of the easement line. Also, I would suggest that the decks shall not encroach upon the easement more than 15 feet.

I think this is a pretty reasonable amount, a typical deck is around 25 feet long and about 10' wide, so encroachment would be minimal and it would definitely be temporary.

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