

MINUTES



TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449

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

Michelle James, Town Administrator ■ Kaysie Pralle, Town Clerk

FEBRUARY 2, 2009
REGULAR MEETING

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

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

CALL TO ORDER AND WELCOME

Mayor Montgomery called the meeting to order at 6:30 pm. Rev. Catherine Powell, Rector of Church of the Servant Episcopal Church in Wilmington delivered the invocation. Mayor Montgomery led in the Pledge of Allegiance.

Mayor Montgomery stated that today is the 50th anniversary of the death of Buddy Holly, Richie Vallens and the Big Bopper.

RECOGNITION AND AWARDS

No awards were presented as Officer Dave Cooley was unable to attend.

PERSONS TO ADDRESS COUNCIL

Randy Martin addresses Council.

- He states he is looking for clarification of the Board of Adjustment's recent ruling against him.
- In the fall he came to the Building Inspector with plans to add a sun deck on his residence at 773 Sloop Pointe Lane.

- The building inspector came to the site and advised that the deck encroached the setback and that the permit would have to be denied.
- Mr. Martin was advised of the Board of Adjustment procedure for appeal.
- He felt a precedent had been set in Kure Beach as a number of properties, newly constructed properties, also encroached the 20' setback.
- The biggest offender is the property at 221 A & B Atlantic Avenue as the balconies on both units are in the 20 foot setback.
- He questioned why he is not being treated like everyone else.
- The Board of Adjustment members stated that his deck would have been permitted if it encroached no more than 18 inches into the setback.
- He had a copy of the transcript from the hearing in which the Building Inspector stated if he had come to him with plans to encroach at 18 inches that the permit still would have been denied.
- He has spent a lot of time and money and still does not have a sun deck.

Mayor Montgomery advised that Council would address this issue under New Business, Item #2.

Attorney Dan Bell addressed Council.

- He requested that his comments from the Public Hearing become part of this record.
- He asked Council to have the sign ordinance voted down, and that the process begin again involving the business owners in the B-1.

Tom Humphrey, owner of Jack Mackerel's and Old Pier House, addressed Council.

- He felt although the sign ordinance has been discussed for ten months, it is more restrictive now.
- The owners are tired of coming to Town Hall and paying someone else to run their businesses while they address this.
- He requested that Council vote the proposed ordinance down.

PRESENTATION TO COUNCIL

Bob Fitzsimons, Chair of the Parks and Receptions Committee, was unable to attend but did provide an estimate on the Sandman irrigation and seeding project. Mayor Montgomery read Mr. Fitzsimons' email aloud. Commissioner Lambeth stated that he met personally with Down Under Irrigation and their estimate was \$1750 which will require installation of a backflow, totaling \$825, for a grand total of \$2575. Sonny Beeker, Public Works Director, wants to install battery solar backup control so it will be "green" friendly. Commissioner Lambeth suggested tabling this matter until Mr. Fitzsimons can attend.

ACTION: COMMISSIONER LAMBETH MOVED TO TABLE THIS ITEM UNTIL THE FEBRUARY 17TH MEETING. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Jean Martin, Kure Beach Community Center, addressed Council.

- Mayor Montgomery apologized for not calling Ms. Martin up earlier.
- On March 21st from 6-8 pm the Community Center will be holding their Spirit Awards ceremony.
- She encouraged everyone to attend and encouraged nominations for the Annual Community Spirit Award and the Lifetime Community Spirit Award. Nomination forms and tickets are available at Town Hall or from any Community Center Committee member. Tickets are \$16.00 per person and seating is limited to 100 persons.
- Lastly, she advised that Kure Beach resident Jeri Smith passed away on Friday. Her mass will be this Friday at 10:00 am at St. Mary's Church on Ann Street in Wilmington. Ms. Smith was a giving person and will sorely be missed.

APPROVAL OF THE CONSENT AGENDA

Mayor Montgomery requests addition of "Approval of grant applications to PARTF (\$800,000) and CAMA (\$500,000)" to the Consent Agenda.

ACTION: COMMISSIONER VATRT MOVES TO ADD THIS ITEM TO THE CONSENT AGENDA. COMMISSIONER DUGAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ACTION: COMMISSIONER LAMBETH MOVES TO APPROVE THE CONSENT AGENDA. COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mayor Montgomery suggested adding the following items to the agenda:

1. Under Old Business, Commissioner Vatrt added discussion and approval of a contract with the North Carolina State University School of Design as Item #8.
2. Under New Business, delete presentation by Bob Segal, and add as Item #1 a presentation by Kathleen Reilly from Wilmington Board of Realtors who will present information on property insurance rates.
3. Under New Business, add as Item #2 discussion regarding Dare County Insurance lawsuit.
4. Under New Business, Item #3 is resolution to establish a cash management policy and designating a new central depository.
5. Under New Business, Commissioner Dugan wished to add discussion of the release of closed meeting minutes (executive session).

6. Under Executive Session asked to address evaluation of Town Administrator's role in finance as covered in the General Statutes.

ACTION: COMMISSIONER VATRT MOVES TO APPROVE THE AMENDED AGENDA. COMMISSIONER DUGAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS:

1. Update on Atlantic Avenue Permit Status (Batson)

Building Inspector Batson advised that he received the letter today denying the permit application for the "at grade" Hatteras style walkway. An appeal can be made within 20 days of the date of the letter. It was denied in part to the Land Use Plan. Mayor Montgomery asked if any Councilman wanted to make a motion to appeal the decision. The suggestion to appeal died for lack of a motion. This permit can be resubmitted with the revised drawing.

ACTION: COMMISSIONER NELDER MADE A MOTION TO SUBMIT THE REVISED DRAWINGS TO DCM WITH THE REQUEST TO MODIFY THE EXISTING PERMIT. COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

2. Discussion and Approval of Recommended Definitions for Zoning Ordinance (Batson)

Building Inspector Batson advised that P&Z sat down at their last meeting to define the terms as directed by Council. Alan Votta provided a list which P&Z reviewed and made the recommendation to forward to Council. Building Inspector Batson read the proposed definitions aloud. Commissioner Vatrtr mentioned discussion of decks from public hearing and questioned whether a pergola would be considered a roof or part of deck. Building Inspector Batson stated it is typically an attribute to a deck. Commissioner Vatrtr believed that Council should be careful with our definitions and that these terms need to be clearly defined. It was suggested that "sun deck" be eliminated as it would fall under deck or balcony.

Commissioner Dugan suggested that definition 3 be removed. Commissioner Lambeth suggested that definitions 1, 2 and 8 be referred back to P&Z for further discussion. Commissioner Nelder recommended that all definitions be returned to P&Z for clarification.

ACTION: COMMISSIONER NELDER MADE A MOTION TO REFER THE PROPOSED DEFINITIONS BACK TO P&Z FOR CLARIFICATION.

COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

3. Discussion and Consideration of Amending Chapter 19, Article VI Signs (Batson)

Town Council took public comments on this issue earlier this evening. Commissioner Lambeth made it perfectly clear that he would never tell a business owner how to spend his money nor tell him what to do. Commissioner Dugan stated that there should be a motion to table this issue due to the current financial situation we all find ourselves in at this time. Commissioner Vatrt concurs.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO TABLE CONSIDERATION OF THE PROPOSED SIGN ORDINANCE. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. Discussion and Consideration of Amending Chapter 19 and to Adopt Supplemental Regulations on Decks in Easements (Batson)

The proposed amendment to Chapter 19 was read aloud. Commissioner Lambeth read the definition of "easement" from Webster's Dictionary. He stated that permits issues must state that the deck must be temporary and removable at the owner's expense. Commissioner Vatrt suggested that we define "free standing deck" so there will be no issues.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO ADOPT THE AMENDMENT TO CHAPTER 19. COMMISSIONER NELDER SECONDED THE MOTION.

Discussion continued among the Council members.

COMMISSIONER DUGAN WITHDREW HIS ORIGINAL MOTION.

COMMISSIONER NELDER MADE A MOTION TO TABLE THIS ISSUE UNTIL BUILDING INSPECTOR BATSON AND PLANNING AND ZONING HAVE HAD AN OPPORTUNITY TO CLARIFY THE DEFINITIONS DISCUSSED EARLIER. COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mayor Montgomery clarified that any further revisions to the definitions will require a public hearing. He also requested that Council receive the definitions back from P&Z in time for the February meeting. He further requested that the

Building Inspector discuss any revisions with the Town Attorney. Town Attorney Canoutas recommended utilizing Black's Law Dictionary to define terms.

5. Update on Street Light Request (Beeker)

ACTION: COMMISSIONER VATRT MOVED TO TABLE THIS ISSUE. COMMISSIONER LAMBETH SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

In lieu of the street light update, Commissioner Lambeth began to discuss the infiltration project near the Pier as it was designed by NC State. The "Beeker Boxes" have been delivered and the backhoe is out there. They are up and running and the project will be completed shortly. This is a project designed by NC State, funded by NCDOT in partnership with the town to filter stormwater.

6. Update on Ocean Front Park (Dugan)

The Committee has met with different architecture firms and they will work with Withers and Ravenel. They have had an introductory meeting with them and the rough sketch sent indicates 1st use is for application of new set of grants to be sent in. The plan is to reactivate the Ocean Front Park Committee. They will discuss with the committee how they reached a consensus of wishes for park. A date has not yet been set for a meeting. These meetings were previously scheduled for the first Monday of each month. The architectural firm will meet with the committee and with Council. Within the next few months, large questions will be answered and something should be prepared to present to the Town.

7. Discussion of personnel handbook.

- a. Chapter 2 - As to disciplinary actions, Attorney Canoutas stated the personnel policy stated that department heads had power to hire, suspend and fire by just advising Council. Department heads were hired by Council only. Personnel Policy was adopted by resolution. A permanent ordinance should be adopted under 2-17. Town Attorney Canoutas read the proposed ordinance. He further recommended that Council adopt this ordinance.

ACTION: COMMISSIONER VATRT MOVED TO ADOPT SECTION 2-17. COMMISSIONER DUGAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Lambeth asked if there was still a grievance policy in place. Town Administrator James advised that it was addressed in the Employee Handbook.

- b. Hardship Pool
- c. Travel Policy

As neither the Hardship Pool nor the Travel Policy was in the Agenda packet, it was recommended that discussion on this issue be deferred.

ACTION: COMMISSIONER LAMBETH MOVED TO DEFFER DISCUSSION ON THE HARDSHIP POOL AND TRAVEL POLICY UNTIL THE FEBRUARY 17TH MEETING. COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

8. Discussion and Approval of Contract with NC State School of Design

Commissioner Vatrt advised that NC State School of Design will set up a study with their students in conjunction with Withers and Ravenel. This will be a study of economic development in the downtown area. This study will cost \$15,000. The previously approved budget allowed for \$25,000. This study will cover the calendar year so that a portion of the funds will be from this fiscal year and another portion will come from next fiscal year.

ACTION: COMMISSIONER NELDER MADE A MOTION TO ACCEPT THE CONTRACT WITH NC STATE SCHOOL OF DESIGN. COMMISSIONER DUGAN SECONDED THE MOTION.

Commissioner Lambeth questioned the terms of payment. The terms indicate full payment in advance. Commissioners Lambeth and Nelder do not agree to full payment in advance. Commissioner Vatrt will contact them to see if a retainer of 50% is possible or perhaps payment in thirds. The first third to be due upon completion of the first Public Hearing.

ACTION: COMMISSIONER VATRT WITHDREW HIS PRIOR MOTION. COMMISSIONER LAMBETH MADE A MOTION TO TABLE THIS ITME ASKING COMMISSIONER VATRT TO RENEGOTIATE THE PAYMENT SCHEDULE AND TO BRING IT BACK BEFORE COUNCIL. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

1. Kathleen Reilly, Government Affairs Director for the Wilmington Association of Realtors, addressed Council.

Ms. Reilly was asked to appear to speak about the recently passed rate increases by the North Carolina Department of Insurance.

Ms. Reilly is working with Attorney Keith Kapp. Her handout consisted of a synopsis of the recent increases, charts of those increases, a territorial map and her analysis of the lawsuit. The increases revolve around two plans; the Beach Plan and the FAIR Plan. The Beach Plan divides our state into two territories; Beach and Coastal. Beach areas are getting different rate increases although they fall under both the Beach and the FAIR Plan. The NC Rate Bureau sets the manual rate. On the chart, the percentage ordered is what was requested. The percentage filed is what will be the implemented increase. New Hanover County received the biggest hit while the Charlotte/Mecklenburg area received - 6%. There is no difference in property in our area and that of the Charlotte/Mecklenburg area. Not only will this area have a basic rate increase, there is also an increase in the wind and hail provision as well as a surcharge and deductible increases. Those deductibles are per occurrence.

Ms. Reilly and Willow Kelly from Dare County are creating a Coastal Coalition. That Coastal Coalition, NC-20, will consist of 20 counties. There will be a coastal insurance symposium to be held in New Bern on February 10. She encouraged all of Council to attend. This organization initially started to fight the stormwater regulations.

Commissioner Lambeth makes reference to "Wayne's World" which is a blog by the insurance commissioner. He believes this to be very suspect as the ten counties he is an advocate for are the counties receiving the reduction in their rates.

WRAR.com has a judicial tracker in place which advises the status of both Senate Bill 6 and House Bill 26. She believes this can be fought in people show their opposition in large numbers. Dare County is involved in litigation regarding these increased rates. Ms. Reilly recommended that Kure Beach become an intervener in the lawsuit.

Mayor Montgomery asked whether Ms. Reilly's organization was a part of the litigation. Ms. Reilly responded that they had not yet joined. Commissioner Lambeth stated that New Hanover County had filed as an intervener. Wrightsville Beach has passed a resolution to support New Hanover County, although they are not part of the litigation. The Council questioned why the

people she represents are not part of the lawsuit. Ms. Reilly stated that they are pursuing other avenues.

Mayor Montgomery stated that information for the general public is difficult to come by on this matter. WRAR has provided the Town with fact sheets. The Town also has fact sheets from the Builders Alliance for Southern Economy along with the NC Joint Underwriting Association. These will be placed on the Town's website for public informational purposes. The lawsuit is attempting to say that there was not public knowledge before this action was approved under the former insurance commissioner.

2. Discussion regarding Dare County Lawsuit

Mayor Montgomery stated that Council had a meeting with the insurance commissioner along with Carolyn Justice to discuss this issue. Commissioner Lambeth also attended the administrative hearing at the Department of Insurance. Additionally, Commissioner Vatrč attended a meeting that was also attended by the mayors of the Wilmington Beach communities and with Elizabeth Braswell, the General Counsel to the President Pro Tem of the Senate. This was to discuss alternatives.

Mayor Montgomery advised that New Hanover County has joined the lawsuit and pledged \$10,000 of taxpayer's money. Wrightsville Beach has passed a resolution supporting the efforts of New Hanover County. He spoke with the mayor and the town manager. Those officials stated that they chose to go with a resolution so as to not use any more taxpayer's dollars to pay the attorneys in the lawsuit. The Wilmington City Council will consider this issue at their next meeting. The lawsuit has brought attention to this issue and the lawsuit can cause a stay of this. The consensus is that the rate resolution must come through the legislature. Both of the bills before the legislature have the support of both the house and senate leadership. Both bills, if passed, call that any fees paid by the homeowner prior to passage of the bill will be reimbursed by the insurance company retroactively to February 1st.

The Town intends on sending letters to all homeowners in Kure Beach asking that they contact their legislators. A letter will also be drafted by the Council to all legislative officers across the state. A third letter will be sent to the insurance commissioner. A final letter will be drafted from Council to our legislators.

Attorney Canoutas stated that he has spoken with Tom Pollard, Attorney for the City of Wilmington and Wanda Copley. Mr. Pollard indicated that the issues before the Court have a slim chance of success for the following reasons: 1. the judge does not have the power to set the rate; 2. the administrative law judge said that the individual plaintiffs have no standing to sue. There is a slim chance

that the insurance commissioner made the ruling without any factual basis. He recommends that Kure Beach proceed as both Wilmington and Wrightsville Beach have.

Commissioner Vatrtr drafted a letter to be sent to all legislators. He believed the letters will make our voice loud and clear. Town Council has only had two weeks to study this and to take action. Kure Beach was the only community to meet with the legislators.

Commissioner Lambeth stated that the increase will be huge and affect people within a 40 mile radius. He further stated that the insurance commissioner can overrule what the rate committee puts in place. He recommended that Kure Beach get involved and join the lawsuit, pass a resolution and put money behind it.

Mayor Montgomery believes this must be a multi-faceted attack. If Kure Beach decides not to join the lawsuit at this time, there will be other opportunities.

Mayor Montgomery requested that Attorney Canoutas contact the attorney for Dare County to ascertain information regarding costs.

Mayor Montgomery restates Council's intentions:

1. The letter drafted by Commissioner Vatrtr will be sent to every legislator in the state.

ACTION: COMMISSIONER VATRT MAKES A MOTION TO ADOPT THE LETTER AND TO REVIEW THE WORDING OF THE LETTER OUTSIDE OF THE MEETING AND TO THEN SEND IT TO ALL LEGISLATORS IN NORTH CAROLINA. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

2. The letter submitted by Commissioner Vatrtr addressed to the insurance commissioner was more direct.

ACTION: COMMISSIONER VATRT MADE A MOTION TO ADOPT THE LETTER, REVIEW THE WORDING OF THE LETTER OUTSIDE OF THE MEETING AND THEN SEND IT TO NC COMMISSIONER OF INSURANCE WAYNE GOODMAN. HE FURTHER MOVED TO SEND A COPY OF THE LETTER TO OUR LOCAL LEGISLATORS IN RALEIGH. COMMISSIONER DUGAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

3. The last letter is to be sent to our legislators in Raleigh. Mayor Montgomery made reference to data pertaining to damage estimates in all the

counties and during Hurricane Fran which stated the Raleigh/Durham area has been decimated. The estimates do not make sense with the proposed insurance rates.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO ADOPT THE LETTER, REVISE THE WORDING OUTSIDE OF THE MEETING AND TO SEND IT TO THE LEGISLATORS IN RALEIGH. COMMISSIONER VATRT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONER VATRT WILL HEAD THIS PROJECT.

Mayor Montgomery asked if Council wished to either pass a resolution or to enter into the lawsuit, or both.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO ENTER THE LAWSUIT WITH DARE COUNTY WITHOUT FUNDING AND TO WAIT AND SEE WHAT THE SURROUNDING COMMUNITIES DO.

COMMISSIONER LAMBETH CLARIFIED THE MOTION BY MOVING TO ENTER INTO THE LAWSUIT WITH DARE COUNTY AND NOT TO COMMIT FUNDS UNTIL OTHER COMMUNITIES JOIN. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

MAYOR MONTGOMERY MADE A MOTION TO SUPPORT NEW HANOVER COUNTY IN THEIR EFFORTS AND TO USE WRIGHTSVILLE BEACH OR THE WILMINGTON RESOLUTION AS A MODEL AND FORWARD THE SAME TO EVERY LEGISLATOR. COMMISSIONER LAMBETH SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Recess was taken at 8:55 p.m.

Meeting rejoined at 9:05 p.m.

3. Discussion regarding a resolution establishing a Cash Management Policy and designating a Central Depository.

Town Administrator James met with state approved agencies. In order to add an additional bank to invest reserve funds, a resolution must be passed. James recommended using North Carolina Cash Management Trust. She requested adding BB&T and the North Carolina Cash Management Trust for money management. In the past, CDs were used but interest rate dropped dramatically. The Town is not in a position to be involved in long term investment. A minimum amount is held in the operating accounts. Currently, the longest term CD the Town holds is 90 days. The cash management account money can be

available the next day. Kure Beach is the only municipality in New Hanover County that is not using the Cash Management Trust.

Mayor Montgomery asked whether the finance personnel are bonded for more than \$50,000. Jennifer Watson, as Junior Finance Officer, is in the process of becoming bonded.

ACTION: COMMISSIONER VATRT MADE A MOTION TO ADOPT THE RESOLUTION AS PRESENTED. COMMISSIONER DUGAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. Discussion on Commissioner Dugan's request to release Executive Session minutes.

Commissioner Dugan stated his desire to obtain the minutes from past Executive Sessions from the Town Clerk, and prepare, with the assistance of the Town Attorney, for release to the public.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO, UNDER THE ADVISEMENT OF COUNCIL, THAT THE TOWN CLERK AND HE COMPILE THE MINUTES FOR COUNCIL TO REVIEW AND RELEASE TO THE PUBLIC AS STANDARD MINUTES. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Dugan requested that P&Z be directed to look at the issues regarding the tabled Sign Ordinance language and start the process again, involving the business community. He reiterated that the proposed ordinance was tabled due purely to economics.

ACTION: COMMISSIONER DUGAN MADE A MOTION TO DIRECT P&Z TO REVIEW THE SIGN ORDINANCE FOR FURTHER REVIEW AND INPUT FROM THE PUBLIC BASED ON THIS EVENING'S PUBLIC HEARING. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER VATRT MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 9:30 P.M. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Closed Session

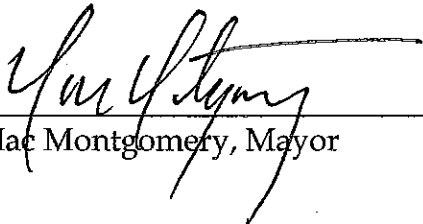
Town Council returned to open session. Mayor Montgomery reported that no action took place in the Closed Session.

CONSENSUS - Mayor Montgomery announced that they discussed the Town Administrator's new role in finance. It was agreed to add this item to the February 17 Agenda.

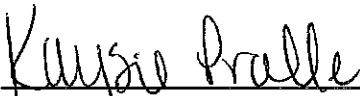
Closed session deferred any discussion.

ADJOURNMENT

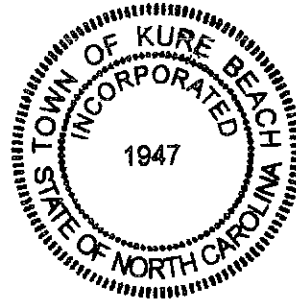
ACTION: COMMISSIONER VATRT MADE A MOTION TO ADJOURN THE MEETING AT 9:55 P.M. COMMISSIONER LAMBETH SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.



Mac Montgomery, Mayor



Aimee Zimmerman
For 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
1/20/2009

Agenda Packet

AGENDA



TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449

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

Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING JANUARY 20, 2009 6:30 P.M.

CALL TO ORDER AND WELCOME – Mayor Montgomery
INVOCATION – Rev. Catherine Powell, Rector at Church of the Servant Episcopal
Church in Wilmington (CONFIRMED)
PLEDGE OF ALLEGIANCE – Mayor Montgomery

RECOGNITION AND AWARDS

Officer Dave Cooley received award from Justice in Motion.

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

- Randy Martin to speak regarding BOA decision.

PRESENTATIONS TO COUNCIL

- Bob Fitzsimons, Chair of Parks & Recreation, to inform Council of Sandman
Irrigation & Seeding estimate.

APPROVAL OF CONSENT AGENDA

1. Building Department report: December 2008
2. Finance report: December 2008
3. Fire Department report: December 2008
4. Police Department report: December 2008
5. Air Force One Museum and White House Photo Gallery Resolution
6. Personnel Policy Resolution
7. Approval of Budget Calendar
8. Building Inspections Department 2008 Annual Report
9. Council minutes:
 - o 12/16/2008 Regular & Closed
 - o 12/15/2008 Special Meeting
 - o 1/8/2009 Workshop

ADOPTION OF THE AGENDA

OLD BUSINESS

1. Update on Atlantic Avenue Permit Status (Batson)
2. Discussion and Approval of Recommended Definitions for Zoning Ordinance (Batson)
3. Discussion and Consideration of Amending Chapter 19, Article VI Signs (Batson)
4. Discussion and Consideration of Amending Chapter 19, and Adopt the following as a Supplemental Regulation "No more than 250 feet..." (Batson)
5. Update on Street Light Request (Beeker)
6. Update on Ocean Front Park (Dugan)
7. Discussion and Amendment of the Personnel Handbook
 - Amending Chapter 2, Article II. Town Council, Sec. 2-17 Hiring of Employees and Chapter 2, Article II. Town Council, Sec. 2-18 Disciplinary Action for employees and department head supervisors. (Attorney)
 - Hardship Pool (James)
 - Travel Policy (James)

NEW BUSINESS

1. Expense Reduction & Revenue Enhancement Presentation, Bob Segal, President Robert S. Segal, CPA PA

EXECUTIVE SESSION (If necessary)

ADJOURNMENT

Recognition
And
Awards

Presentations

TOWN OF KURE BEACH

ORDER INTERPRETING THE ZONING ORDINANCE

The Board of Adjustment for the Town of Kure Beach having held a hearing on November 25, 2008 to consider application number 02-08 submitted by Randy Martin, a request for an interpretation of sections 19-168 of the Zoning Ordinance as affecting the use of the property located at 773 Sloop Pointe Lane and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

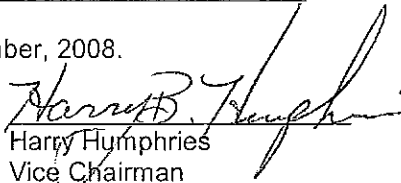
1. There was substantial evidence in the record to show the following FACTS:
 - Appellant Randy Martin submitted a permit application to the Town of Kure Beach Building Inspector for construction of a sundeck on the residence at 773 Sloop Pointe Lane.
 - Prior to consideration of issuance of a permit, the Town of Kure Beach Building Inspector inspected the site.
 - During the inspection, the Building Inspector discovered that that proposed sundeck will encroach on the setbacks by 2' 6";
 - Encroachment of the setback is allowed, by ordinance, if less than 18"
 - Town of Kure Beach Code of Ordinance, Sec. 19-168 (3) is clear in that it states "Minimum required front yard shall be twenty (20) feet."
 - The permit application submitted by Mr. Martin was denied due to the encroachment of the setbacks.
 - The setbacks exist for passage of emergency vehicles, public utilities and for a general continuity in the community.
 - Although some homes are not in compliance with current ordinance, those are one built prior to enactment of ordinance and have been grandfathered in. Should those homes be rebuilt in the future, the ordinance would apply and the setbacks would have to be met.

2. The resolution of this case depends on the interpretation of the ordinance language, without regard to the particular facts of this case. Therefore, it is the Board's CONCLUSION that the following sections or provisions of the Ordinance shall in this case and hereafter be interpreted as follows:
 - Sec. 19-168(3) clearly states that dimensional requirements shall apply to that the minimum required front yard shall be twenty (20) feet.
 - This case involves construction of a sundeck to be cantilevered with an existing deck which would encroach the setbacks by 2' 6".
 - As such a sundeck is strictly prohibited by the Code of Ordinances of the Town of Kure Beach, the decision of the Building Inspector must be upheld.

THEREFORE, IT IS ORDERED that the decision of the Zoning Enforcement Officer is hereby

- Affirmed
- Reversed
- Modified as follows: _____

Ordered this 4th day of December, 2008.


Harry Humphries
Vice Chairman

Secretary Anne Zimmerman

NOTE: If you are dissatisfied with the decision of this board, an appeal may be taken to the Superior Court of New Hanover County within thirty (30) days after the date this order is served to you.

Consent Agenda

Kure Beach Building Dept. Fees Received: 12/1/2008 - 12/31/2008

Type / No	Fee SubType	Parcel ID	StreetNo / Street	'Property Owner'	Date	Fee	Date Recd	Fee Recd	Balance
5106	Permit Fee Renovations	R09213-007-006-000	218 FOURTH AVE N	POTTER, PAULINE L	12/10/2008	\$200.00	12/10/2008	\$200.00	\$0.00
5106	Stop Order Fee Renovations	R09213-007-006-000	218 FOURTH AVE N	POTTER, PAULINE L	12/10/2008	\$200.00	12/10/2008	\$200.00	\$0.00
5107	Permit Fee Rot Repair	R09209-011-005-000	817 SLOOP POINTE LN	WHITE, JOE EDDY II DONNA W	12/22/2008	\$100.00	12/22/2008	\$100.00	\$0.00
5109	Homeowners Recover New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$10.00	12/23/2008	\$10.00	\$0.00
5109	User New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charies	12/23/2008	\$2,500.00	12/23/2008	\$2,500.00	\$0.00
5109	Plan Review New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$200.00	12/23/2008	\$200.00	\$0.00
5109	Sewer Tap New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$1,500.00	12/23/2008	\$1,500.00	\$0.00
5109	Water tap New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$1,500.00	12/23/2008	\$1,500.00	\$0.00
5109	Permit Fee New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$1,100.00	12/23/2008	\$1,100.00	\$0.00
5108	Permit Fee Enclose screen porch	R09200-001-009-000	209 SETTLERS LN	TAYLOR, MARJORIE M	12/23/2008	\$200.00	12/23/2008	\$200.00	\$0.00
<p style="text-align: right;">Total Fees from : Building \$7,510.00</p> <p style="text-align: right;">Total Balance Due from : Building \$0.00</p>									
<p style="text-align: right;">Total Fees: 10</p>									
<p style="text-align: right;">Total Fees Recd: \$7,510.00</p> <p style="text-align: right;">Total Balance Due: \$0.00</p>									

Kure Beach Building Dept. Fees Received: 12/1/2008 - 12/31/2008

SubType / No	Fee Type	Parcel ID	StreetNo / Street	Property Owner	Date	Fee	Date Recd	Fee Recd	Balance
Homeowners Recovery									
Building									
5109	Building New 2400 sq fot house.	R09405-008-009-000 633	THIRD AVE S	Smith. Charles	12/23/2008	\$10.00	12/23/2008	\$10.00	\$0.00
	Total Fees from : Homeowners Recovery Building \$10.00								
	Total Fees from : Homeowners Recovery \$10.00								
	Total Balance Due from : Homeowners Recovery \$0.00								
Permit Fee									
Building									
5107	Building Rot Repair	R09209-011-005-000 817	SLOOP POINTE LN	WHITE. JOE EDDY II DONNA W	12/22/2008	\$100.00	12/22/2008	\$100.00	\$0.00
5106	Building Renovations	R09213-007-006-000 218	FOURTH AVE N	POTTER. PAULINE L	12/10/2008	\$200.00	12/10/2008	\$200.00	\$0.00
5109	Building New 2400 sq fot house.	R09405-008-009-000 633	THIRD AVE S	Smith. Charles	12/23/2008	\$1.100.00	12/23/2008	\$1.100.00	\$0.00
5108	Building Enclose screen porch	R09200-001-009-000 209	SETTLERS LN	TAYLOR. MARJORIE M	12/23/2008	\$200.00	12/23/2008	\$200.00	\$0.00
	Total Fees from : Permit Fee Building \$1,600.00								
	Total Fees from : Permit Fee \$1,600.00								
	Total Balance Due from : Permit Fee \$0.00								
Plan Review									
Building									
5109	Building New 2400 sq fot house.	R09405-008-009-000 633	THIRD AVE S	Smith. Charles	12/23/2008	\$200.00	12/23/2008	\$200.00	\$0.00
	Total Fees from : Plan Review Building \$200.00								
	Total Fees from : Plan Review \$200.00								
	Total Balance Due from : Plan Review \$0.00								
Sewer Tap									
Building									
5109	Building New 2400 sq fot house.	R09405-008-009-000 633	THIRD AVE S	Smith. Charles	12/23/2008	\$1.500.00	12/23/2008	\$1.500.00	\$0.00
	Total Fees from : Sewer Tap Building \$1,500.00								
	Total Fees from : Sewer Tap \$1,500.00								
	Total Balance Due from : Sewer Tap \$0.00								

SubType / No	Fee Type	Parcel ID	StreetNo / Street	Property Owner	Date	Fee	Date Recd	Fee Recd	Balance
Stop Order Fee									
Building 5106	Building Renovations	R092113-007-006-000	218 FOURTH AVE N	POTTER, PAULINE L	12/10/2008	\$200.00	12/10/2008	\$200.00	\$0.00
Total Fees from : Stop Order Fee Building \$200.00									
Total Fees from : Stop Order Fee \$200.00									
Total Balance Due from : Stop Order Fee \$0.00									
User									
Building 5109	Building New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$2,500.00	12/23/2008	\$2,500.00	\$0.00
Total Fees from : User Building \$2,500.00									
Total Fees from : User \$2,500.00									
Total Balance Due from : User \$0.00									
Water tap									
Building 5109	Building New 2400 sq fot house.	R09405-008-009-000	633 THIRD AVE S	Smith, Charles	12/23/2008	\$1,500.00	12/23/2008	\$1,500.00	\$0.00
Total Fees from : Water tap Building \$1,500.00									
Total Fees from : Water tap \$1,500.00									
Total Balance Due from : Water tap \$0.00									
Total Fees: 10									
								Total Fees Recd:	\$7,510.00
								Total Balance Due:	\$0.00

Kure Beach Building Dept.-All Permits Issue Date: 12/1/2008 - 12/31/2008

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Descript	Final
Building								
New Construction								
5106	12/10/2008	POTTER, PAULINE L	POTTER, PAULINE L	218 FOURTH AVE N	\$15,000	\$400.00	Renovations	
5108	12/23/2008	TAYLOR, MARJORIE M	TAYLOR, MARJORIE M	209 SETTLERS LN	\$13,500	\$200.00	Enclose screen porch	
5109	12/23/2008	Smith, Charles	Smith, Charles	633 THIRD AVE S	\$190,000	\$6,810.00	New 2400 sq fot house.	
Total New Construction 3					\$218,500	\$7,410.00		
Total Building 3					\$218,500	\$7,410.00		
Total Permits: 3					\$218,500	\$7,410.00		

Town of Kure Beach
FINANCIAL SUMMARY REPORT
6 MONTHS ENDING 12/31/2008

ADDITIONAL PRIOR YEAR COMPARATIVE INFORMATION

GENERAL FUND

REVENUES	ACTUAL 11/18/2007	CURRENT BUDGET	ACTUAL 11/30/08	Y-T-D % COLLECTED
AD VALOREM TAXES	566,876	1,560,092	775,103	49.63%
MOTOR VEHICLE TAXES	1,134	28,180	15,605	55.39%
LOCAL OPTION SALES TAX	210,452	494,900	306,171	61.87%
NHC ABC REVENUES	7,956	15,424	7,197	46.66%
COMM. TOWER RENT	58,976	66,960	33,599	50.19%
FRANCHISE FEES & VIDEO TAX	23,760	106,710	71,738	67.23%
BUILDING PERMIT FEES	9,086	32,650	18,190	55.71%
GARBAGE & RECYCLING	58,976	129,000	61,733	47.86%
GF BALANCE APPROPRIATED	62,581	58,337	-	0.00%
ALL OTHER REVENUES	1,009,389	308,968	114,817	37.16%
		\$2,801,211	\$1,404,159	50.13%

WATER & SEWER FUND

REVENUES	ACTUAL 11/30/2007	CURRENT BUDGET	ACTUAL 12/31/2008	Y-T-D % COLLECTED
WATER & SEWER CHARGES COLLECTED	556,431	1,386,000	747,819	53.96%
WF APPROPRIATED FUND BALANCE	-	195,817	-	0.00%
OTHER WATER & SEWER REVENUE	10,522	67,500	45,130	66.86%
	566,953	1,649,317	792,949	48.08%

EXPENDITURES

EXPENDITURES	CURRENT BUDGET	ACTUAL 11/30/2008	Y-T-D % SPENT
410 GOVERNING BODY	30,553	13,389	43.86%
411 TOWN CLERK	50,522	17,548	34.73%
415 FINANCE DEPARTMENT	75,596	18,125	23.98%
420 ADMINISTRATION	310,883	145,812	0.00%
421 COMMUNITY CENTER	12,865	4,214	32.76%
431 P&Z & BD OF ADJ EXPENSE	2,500	315	12.60%
446 EMERGENCY MANAGEMENT	750	269	35.83%
460 TAX COLLECTION	27,900	4,225	15.14%
470 LEGAL DEPARTMENT	44,950	21,089	46.92%
510 POLICE DEPARTMENT	941,294	418,463	44.46%
530 FIRE DEPARTMENT	240,741	117,302	48.73%
531 LIFE GUARDS	172,939	101,395	58.63%
532 PARKS & RECREATION CLASSES	-	387	0.00%
533 PROJECTS/REQUESTS	10,000	4,800	48.00%
540 BUILDING INSPECTION/CODE ENFORCEMENT	86,790	40,254	46.38%
560 STREETS & SANITATION DEPARTMENT	793,128	372,398	46.95%
	\$2,801,211	\$1,279,994	45.69%

WATER ADMINISTRATION & FINANCE
 WATER DEPARTMENT OPERATIONS

SPECIAL PROJECTS AND RESTRICTED FUNDS

REVENUES	CURRENT BUDGET	ACTUAL 12/31/2008	Y-T-D % SPENT
WATER/SEWER EXPANSION RESERVE FUND - REVENUES	-	10,000	0.00%
WATER/SEWER EXPANSION RESERVE FUND - EXPENSES	-	-	0.00%
SEWER REHAB CAPITAL PROJECT - REVENUES	-	48,267	0.00%
SEWER REHAB CAPITAL PROJECT - EXPENSES	-	34,224	0.00%

FINANCIAL & OPERATING INFORMATION

Checking	\$ 201,426
Certificates of Deposit	\$ 1,645,626
GRAND TOTAL	\$ 1,847,052

SPECIAL PROJECTS AND RESTRICTED FUNDS

POWELL FUND - REVENUES	CURRENT BUDGET	ACTUAL 11/30/2008	Y-T-D % COLLECTED
POWELL FUND - REVENUES	72,692	71,333	98.13%
POWELL FUND - EXPENSES	72,692	17,290	23.79%
BEACH RENOURISHMENT FUND - REVENUES	12,300	174	1.41%
BEACH RENOURISHMENT FUND - EXPENSES	12,300	2,607	21.19%
STORM WATER FUND - REVENUES	251,220	79,652	31.71%
STORM WATER FUND - EXPENSES	251,220	49,938	19.89%
CAPITAL PROJECTS - REVENUES	1,011,716	4,912,839	485.59%
CAPITAL PROJECTS - EXPENSE TH/OFF	1,011,716	5,850,599	588.52%

Additional CD information to be determined on February Report.

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT DECEMBER, 2008

DATE	PURPOSE
12/01/08	FALSE ALARM
12/01/08	FIREFIGHTER I & II CLASS
12/02/08	FALSE ALARM
12/08/08	FIRE FIGHTER I & II CLASS
12/15/08	FIRE FIGHTER I & II CLASS
12/21/08	MUTUAL AID CBFD
12/22/08	FIRE FIGHTER I & II CLASS
12/29/08	DRILL
12/30/08	MUTUAL AID CBFD

All equipment checked and found to be in working order

Harold Heglar
Chief



KURE BEACH POLICE

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

Police Activity Reports for December 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 (Totals)

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

911 Hangup	3	Alarm Activation	2
Animal Complaint	5	Assist Citizen	2
Assist Other Agency - Law Enforcement	2	Assist Other Agency - Medical	4
BOLO	2	Check Welfare	2
Civil Matter	1	Dispute	1
Domestic	1	Found Property / K-9	1
Hazardous Condition	1	Information	2
Internal Information - LEO Only	1	Larceny - No Report	1
Mental Illness	1	Residence Check	2
Standby	1	Surrender Registration Plate - Revocation Order	2
Vehicle.Stop	2		

Total Number Of Events: 39

Arrest Status/Disposition Totals by Offense

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0410 - Aggravated Assault	0	0	2	2	0	1	1	0	2	2
0600 - Larceny	0	0	1	1	0	1	0	0	1	1
0890 - Simple Assault- All Other Simple Assault	0	0	1	1	0	0	1	0	1	1
2640 - Contempt of Court, Perjury, Court Violations	0	0	1	1	0	0	1	0	1	1
2660 - Parole & Probation Violations	0	0	1	1	0	1	0	0	1	1
2690 - All Other Offenses	0	0	1	1	0	1	0	0	1	1
4010 - All Traffic (except DWI)	0	0	1	1	0	0	1	0	1	1
Totals:	0	0	8	8	0	4	4	0	8	8

Citation Totals by Charge

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

Charge:	Number of Charges:
Speeding (Infraction)	2
No Operator License	3
Unsafe Movement	1
Failure To Stop (Stop Sign/Flashing Red Light)	2
Other (Infraction)	1
Other (2nd Charge - Misdemeanor)	2
Other (2nd Charge - Infraction)	1
Total:	12

Civil Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

Type of Civil Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Subpoena	9	2	2	11	1
Totals:	9	2	2	11	1

Criminal Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

Type of Criminal Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Criminal Summons	0	0	0	3	0
Order For Arrest	0	5	2	9	5
Warrant	2	0	2	0	0
Totals:	2	5	4	12	5

Incident Status/Disposition Totals (With Percentages) by Offense

Kure Beach Police Department

(12/01/2008 - 12/31/2008)

Primary Offense:	Total Reported:	Total Unfounded:	Actual Incidents:	% Unfounded:	Cleared Arrest:	Cleared Other:	% Cleared:	Active:	% Active:	Inactive:	% Inactive:
0520 - Burglary - Non-Forced Entry	1	0	1	0%	0	0	0%	1	100%	0	0%
0640 - Larceny - From Motor Vehicle	1	0	1	0%	0	0	0%	1	100%	0	0%
0660 - Larceny - From Buildings	1	0	1	0%	0	0	0%	0	0%	1	100%
0690 - Larceny - All Other Larceny	1	1	0	100%	0	0	0%	0	0%	0	0%
1400 - Criminal Damage to Property (Vandalism)	1	0	1	0%	0	0	0%	1	100%	0	0%
Totals:	5	1	4	20.0%	0	0	0%	3	75.0%	1	25.0%

Chief's Notes

Self Initiated Police Services:

Business Security Checks	216
Home Security Checks	325
Open Doors	0
Senior Welfare Checks	17

Training and Other Activity:

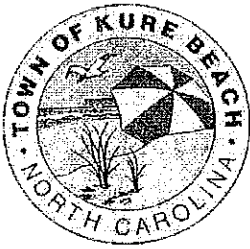
December 2, 2008: Mike Bowden, Jason Cummings, Richard Price, David Cooley and Jamie King attended In-Service Firearms Training and Qualifications at the New Hanover County Range. Ron Thigpen was the instructor.

December 4, 2008: Dennis Cooper, Paul Hubbard, Shane Holtzclaw, Ed Palmeter, and Greg Barr Attended In-Service Firearms Training and Qualifications at the New Hanover County Range. Ron Thigpen was the instructor.

December 15-18, 2008: Dennis Cooper attended Internet Crimes Against Children Investigation school in Charlotte NC.

Respectfully yours,

Dennis Cooper
Chief of Police



TOWN COUNCIL TOWN OF KURE BEACH, NC

*R*ESOLUTION SUPPORTING A PRIVATELY-CONSTRUCTED AIR FORCE ONE

MUSEUM AND WHITE HOUSE PHOTO GALLERY ON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROPERTY NEAR THE INTERSECTION OF NORTH KERR AVENUE AND MARTIN LUTHER KING, JR. PARKWAY IN WILMINGTON, NORTH CAROLINA.

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the NC Board of Transportation, and

WHEREAS, the North Carolina Aeronautics Council commissioned an economic impact and feasibility study to locate a proposed Air Force One Museum and White House Photo Gallery; and

WHEREAS, the economic impact and feasibility study indicates that the Air Force One Museum and White House Photo Gallery would create new jobs and have a positive economic impact to the Wilmington region and state of North Carolina; and

WHEREAS, the museum board of directors has evaluated property adjacent to Wilmington International Airport near the intersection of North Kerr Avenue and Martin Luther King, Jr. Parkway; and

WHEREAS, this property is currently owned by the North Carolina Department of Transportation and has been deemed by the museum board of directors as an appropriate location for the Air Force One Museum and White House Photo Gallery; and

WHEREAS, representatives from the Air Force One Museum and White House Photo Gallery presented information to the Transportation Advisory Committee on December 1, 2008, regarding the proposed Air Force One Museum and White House Photo Gallery in Wilmington, North Carolina; and

WHEREAS, the museum board of directors has indicated that the museum and photo gallery would be constructed through private financing and not require any public money; and

WHEREAS, having the museum in North Carolina is appropriate for the historical preservation of aviation related materials; and

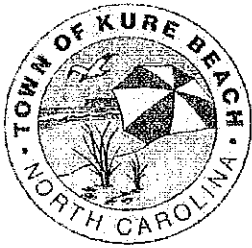
WHEREAS, the establishment of a museum in Wilmington, North Carolina will further the prominence of aviation in the state and add to the education and information of the next generation of aviators.

NOW THEREFORE, be it resolved that the Town Of Kure Beach hereby supports a privately constructed Air Force One Museum and White House Photo Gallery on North Carolina Department of Transportation property near the intersection of North Kerr Avenue and Martin Luther King, Jr. Parkway in Wilmington, North Carolina and if the property is not developed within 5 years, the Transportation Advisory Committee (TAC) will re-consider the proposal.

ADOPTED at a regular meeting of the Kure Beach Town Council on January 20, 2009.

Mac Montgomery
Mayor

Kaysie Pralle
Town Clerk



TOWN COUNCIL
TOWN OF KURE BEACH, NC

*R*ESOLUTION

WHEREAS, the Town Council of the Town of Kure Beach wishes to establish a policy with rules and regulations to establish a fair and uniform system of personnel administration for all employees of the Town.

THEREFORE BE IT RESOLVED, by the Town Council of the Town of Kure Beach that the personnel policy, classification and pay study of May 2001 are hereby reaffirmed by resolution to the appointment, classifications, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Kure Beach.

Adopted this the ____ day of _____, 2009.

Mac Montgomery
Mayor

Kaysie Pralle
Town Clerk

DEBT PAYMENT SCHEDULE FOR FY 08-09

File	Veh Desc	VIN	Purchase Date	Amount Financed	Finance Period	First Pmt Date	Annual Payment	Last Pmt Date	Bal. Owed 12/31/2008	Int. Rate	Line Item	Payment Amount
2004	Pierce Fire Apparatus	3884	6/8/2004	204,089	8	6/8/2008	29,517	6/1/2012	108,779	3.36%	10-530-74-04	\$ 29,517.00
2004	Ford Mini Pumper FD pays 1/2 Town pays 1/2 Amt reflected is GF allocation	9817	11/29/2005	70,000	7	11/29/2005	11,448	11/29/2011	30,000	3.56%	10-530-74-04	\$ 5,723.87
	Police											
PD 2006	Expedition	2702	2/24/2006	31,061	3	2/24/2006	10,808	2/24/2008	-	-		Paid Off
PD 2006	Crown Vic	2653	2/24/2006	30,166	3	2/24/2006	10,499	2/24/2008	-	-		Paid Off
PD (2)-2007	F150 Trucks	2150	5/1/2007	100,173	4	5/7/2007	26,487	5/7/2010	50,050	3.87%	10-510-74-04	\$ 26,487.00
		2151	5/1/2007									
		2152	5/1/2007									
Police Pak	Software			28,486	3	8/31/2007	9,484	8/31/2009	9,484	4.02%	10-510-74-04	\$ 9,865.00
2-08	Ford Taurus		7/18/2007	51,919	4	2/4/2008	10,685	2/4/2011	29,919	3.53%	10-510-74-04	\$ 10,685.00
08	Ford Taurus		1/18/2008									
	Public Works											
2007	Interntl Garbage Trk	2695	5/1/2007	150,880	5	5/7/2007	32,544	5/7/2011	90,500	3.89%	10-550-74-04	\$ 32,544.00
	Generators		10/30/2006	92,033	3	10/30/2006	35,638	10/30/2008	-	-		Paid Off
05	Chev Trk 2500 Dually	7132	2/24/2006	27,919	3	2/24/2006	9,573	2/24/2008	40,660	4.02%	30-810-74-04	\$ 8,356.00
	Service Truck		7/18/2007	31,537	4	8/31/2007	8,356	8/31/2010	-	-		\$ 6,604.00
	Dump Truck		7/18/2007	49,846	4	8/31/2007	13,208	8/31/2010	-	-		\$ 6,604.00
	Loader Backhoe		7/18/2007	70,000	5	8/31/2007	15,145	8/31/2011	41,971	4.12%	30-810-74-04	\$ 8,145.00
												\$ 3,500.00
												\$ 3,500.00
	Capital Improvement Projects											
	Cutter Ct Drainage Proj		7/23/2005	875,000	16	7/23/2005	80,133	6/23/2020	719,780	4.40%	32-610-74-91	\$ 47,937.00
	Water Tower & Well House Town Hall Expansion		4/11/2007 4/11/2007	926,006 261,181	15 15	10/11/2007 10/11/2007	82,238 23,195	5/7/2022 5/7/2022	1,087,101	3.92%	32-610-74-92	\$ 32,196.00
	(1st Note on Projects)											
	Water Tower & Well House		4/11/2007	169,894	2	10/11/2007	91,882	4/11/2009	165,917	6.43%	30-810-99-91	\$ 168,957
	Town Hall Expansion		4/11/2007	47,919	2	10/11/2007	25,916	4/11/2009	-	6.43%	30-810-99-91	\$ 54,275
	Ocean Front Park		12/19/2007	3,600,000	20	12/19/2008	180,000	12/19/2027	2,185,000	4.28%	40-585-00-00	\$ 180,000.00
											Total	6,022,295

**TOWN OF KURE BEACH
BUILDING INSPECTIONS DEPARTMENT
2008 ANNUAL REPORT**

Total Permits Issued:	83
CAMA Permits Issued:	14
Permit Fees Collected:	88,543.00
CAMA Permit Fees Collected:	1,400.00
Fence Permits (12 @ \$25.00)	300.00
Sign Permits (1 @ \$25.00)	25.00
Code Violations:	
Grass Violations:	45
Garbage Violations:	38

MINUTES



TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449

Mac Montgomery, Mayor
Jim Dugan, Mayor Pro Tem
Dean Lambeth, Commissioner
Barry Nelder, Commissioner
Jim Vatrt, Commissioner
Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING
DECEMBER 16, 2008 6:30 PM

COUNCIL MEMBERS PRESENT:

Mayor
Mayor Pro Tem
Commissioner
Commissioner
Commissioner

Mac Montgomery
Jim Dugan
Dean Lambeth
Barry Nelder
Jim Vatrt

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator
Fire Department
Police Department
Building Department
Finance Department
Town Clerk

Michelle James
Harold Heglar
Dennis Cooper
John Batson
Susan Suggs
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 6:33 pm. Rev. Dr. Richard Graff of Kure Memorial Lutheran Church delivered the invocation. Mayor Montgomery led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

* *AAA Carolinas' Foundation for Traffic Safety recognized the Town of Kure Beach for promoting traffic safety (Dugan)*

Mayor Pro Tem Dugan recognized the Town of Kure Beach officers for being singled out by the AAA Carolinas' Foundation for Traffic Safety, making Kure Beach one of North Carolinas safest towns.

Kure Beach Officer Ed Palmeto was recognized and presented with a plaque from Mayor Montgomery.

Mayor Montgomery pointed out that he recently noticed several area officers were being recognized for numerous citations issued to drunk drivers during the Booze It and Lose It campaign.

Mayor Pro Tem mentioned that Officer David Cooley received an award from Justice in Motion. He will be recognized at the January Council meeting.

* *Presentation to Susan Suggs, Finance Officer (Montgomery)*

Mayor Montgomery recognized Susan Suggs for her work. Dean presented her with a gift from the Town.

AJ McClure from the Council of Governments began working with Susan almost 30 years ago. He pointed out that Susan "never had anything bad to say about anybody" and "Susan was always supportive." He toasted Susan by ending with a quote, "May the worst times in your future be the best times of your past."

New Hanover County Finance Officer, Avril Pender recognized Susan's work over the years. "She is not pushy and not demanding, but she gets what she wants."

Michelle James presented Susan with a gift and invited everyone to her party on Tuesday, December 30, 2008 from 2:00-4:00 pm at Town Hall. Administrator James stated "She (Susan) always drops what she is doing to help get you what you need" and "she has truly built the financial infrastructure at Town Hall."

Mac presented Susan with a card and a gift card from the Council members for their appreciation of her hard work and dedication to the Town.

Susan thanked the Citizens, the Mayor, the Council members, the Kure Beach Staff, the staff at New Hanover County and the Kure Beach Committee members for putting their faith in her during her years of employment. She stated she "appreciates the opportunity of working here at the Town of Kure Beach."

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

Jerry Hammel - Asks the Council to apply for the federal money that will be brought to the State over the next couple of months.

Commissioner Lambeth and Mayor Montgomery reassured Mr. Hammel that the Town Administrator is keeping a close eye on any monies that may be available to the Town. Commissioner Nelder thanked him for his input.

PRESENTATIONS TO COUNCIL

※ *Island of Lights presentation – Commissioner Nelder*

Commissioner Nelder announced that the New Year's festivities start on New Year's Eve at 9:00 pm with the ball drop and fireworks at Mid-night. The Town of Kure Beach alternates with the Town of Carolina Beach in hosting the celebration every year.

Mayor Montgomery relayed that the Town's departments will be working with the Island of Lights Committee and Carolina Beach Fire and Police Departments to coordinate the celebration activities.

※ *Sponsorship for Polar Plunge - Emilie Swearingen, Special Olympics of New Hanover County*

Mayor Montgomery introduced Emilie. Emilie recognized and thanked the Kure Beach Police Department and Susan Suggs for all their hard work. "We are going to miss you tremendously." She announced that February 21, 2009 will be the date of the Polar Plunge. It will be held at Carolina Beach. The Plunge will be at 3:00 pm. Activities are to begin at 1pm. There will be a silent auction, ice carvings, Sun Coast Cruisers presentation and a dance for the Special Olympians. Money raised during this event is used to support the Special Olympics of New Hanover County. They would also welcome any volunteers.

Mayor Montgomery announced that he would be making the plunge this year and if anyone wished to make a pledge of support they should contact the Town Clerk.

※ *New fire truck in service for Kure Beach Fire Department – Chief Harold Heglar*

Mayor Montgomery tabled this item for the January meeting.

※ *Seeding and Irrigation of Sandman Property – Bob Fitzsimons, Parks & Rec. Chair*

Bob Fitzsimons is requesting Council's permission to obtain estimates for irrigation and seeding of the Sandman property.

Commissioner Lambeth pointed out that New Hanover County did a Bond Referendum for County municipalities and several other local Town's. If the Town approves a proposal for the Sandman property the Parks & Recreation Committee will submit it to the County for bond money approval. If they

approve it, the Town may move forward with the project. After the project's completion, the Town would submit receipts for the project for reimbursement from the Bond. He talked with Neal Lewis about whether going this route would make Sandman the property of New Hanover County. He assured Commissioner Lambeth it would not.

Commissioner Nelder pointed out that because of legal advice he questions whether this would be a good idea. He has no problem with the seeding, but does not think that the irrigation is a wise decision. Many in the Beautification Committee feel that the Parks and Recreation Committee took over the project without permission. He would like Attorney Canoutas to look into what would and would not be legal.

Bob Fitzsimons pointed out that there was a public meeting regarding this issue.

Commissioner Nelder acknowledged that meeting and stated that the space was agreed to be used only as a green space.

Commissioner Vatr stated that he was not aware that the Council had voted to make this area a green space. He would like it added to the January Agenda to discuss with Staff, Department Heads and Council.

Commissioner Lambeth pointed out that the Beautification Committee wanted Parks & Recreation Committee to take the lead on this project.

Mayor Montgomery clarified that there was a lack of a final decision on this property.

Commissioner Nelder wants this property to remain under the control of the Town and does not want outside money to affect the control of the property.

Mayor Montgomery clarified that when the Parks & Recreation Committee approaches the Town, then the Town contacts the County regarding getting bond funding.

CONSENSUS – The Council directed Bob Fitzsimons, along with the Public Works Director, to get pricing estimates for irrigating and seeding the Sandman property. Administrator James was directed to check with New Hanover County to see if improvements are eligible for reimbursement from Park Bond Funds. This item will be carried forward to the January meeting. Council directed the Planning Commission to receive training from the Cape Fear Council of Governments since they will have several new members.

Mayor Montgomery reminded everyone of the January 15, 2009 public workshop between Council, Department Heads, and Committee Chairs that will be moderated by Chris May from the Cape Fear Council of Governments.

APPROVAL OF CONSENT AGENDA

1. Building Department report: November 2008
2. Finance report: November 2008
3. Fire Department report: November 2008
4. Police Department report: November 2008
5. Accept resignation for:
 - * Betty Swann, Board of Adjustments
 - * Janet Foster, Planning & Zoning
 - * Don Mojzis, Emergency Management
 - * Fred Tesh, ADA and Shoreline Access & Parking
6. Resolution approving financing two police vehicles
7. Resolution Authorizing Local Government Execution of Public Access Grant Contract
8. Budget Amendment to make annual Ocean Front Park Loan Payment
9. Council minutes:
 - * 11/18/2008 Regular & Closed

ACTION - Commissioner Vatrtr MADE THE MOTION to approve the Consent Agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADOPTION OF THE AGENDA

ACTION - Commissioner Vatrtr MADE THE MOTION to remove item 4a, under New Business, Closing Town Hall Two Afternoons a Month from the Agenda. Mayor Pro Tem Dugan seconded the motion. The motion passed four to one. Commissioner Lambeth was opposed.

Commissioner Lambeth pointed out that he would have a problem with Town Hall being closed for any reason during business hours.

Attorney Canoutas made recommendation of adding, as item #6 to New Business, Discussion and Consideration of Amending Code of Ordinances to add Section 1-16 Mistaken Interpretation of Regulations Shall Not Establish Precedence.

- * Mayor Montgomery stated he does not agree with adding it to this month's agenda.
- * Commissioner Vatrtr would like to hear Andy's reasoning.

- * Attorney Canoutas stated he proposed this Amendment to help in future situations where if an item of discussion is being questioned, the Code will help clarify if there is Precedence.
- * Harry Humphries, Chairman to the Board of Adjustments, stated he would also like this item added to the Agenda.

ACTION - Commissioner Vatrtr MADE THE MOTION to add as item #6 to New Business, Discussion and Consideration of Amending Code of Ordinances to add Section 1-16 Mistaken Interpretation of Regulations Shall Not Establish Precedence. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Lambeth MADE THE MOTION to amend Item #2 on the Agenda to read as follows: Recommendation from Planning & Zoning to Amend Chapter 19, ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS, Sec. 19-320. Control of setbacks. Subsection 3, and adopt the following as a supplemental regulation. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Vatrtr MADE THE MOTION to go into Closed Session to discuss contractual issues with the Town Attorney regarding Ocean Front Park design firm candidates at the end of the meeting. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Lambeth MADE THE MOTION to adopt the Amended Agenda. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

OLD BUSINESS

1. Update on Policy & Procedures for Public Emails (James)

Administrator James stated that all emails discussing town business are a matter of public record, with the exception of contractual, personnel and criminal investigation-type information. She stated that according to Open Records Law and the Freedom of Information Act local governments are required to reproduce this information if it is requested by the media or the public. This must be done within a reasonable amount of time and at a reasonable cost to the Town.

Commissioner Nelder stated that he had a problem with his personal email's being made available to public.

Administrator James gave examples of when emails are subject to public record. They are as follows:

- * Email from the Town Administrator to a Commissioners Hotmail address
- * Email from the Mayor's Hotmail address to a Commissioners Hotmail address
- * Email from the Police Chief to the Pleasure Island Chamber

Administrator James gave a list of several North Carolina municipalities that regularly compile email's for public record.

- * City of Chapel Hill makes a binder for media. It takes two assistants 5-8 hours per week to sort through these emails.
- * Town of Carrboro makes the Mayor's emails available via a Google search engine and on the Town's website. This is accomplished by the Mayor.
- * Town of Belville maintains a terminal at Town Hall to view public emails. Staff screens emails and puts them into a folder for public view. This is very time consuming and is accomplished manually or by searchable key words.

Administrator James discusses this subject with the Cape Fear Council of Governments, the Institute of Government, and the NC League of Municipalities. From her discussions with these institutions she drew several conclusions.

- * Is public information being withheld by the Town from public view?
- * Is the expense to the public going to result in a "tangible benefit?"
- * If a process is established, the Council should take great caution to protect information that is considered confidential.
- * This is a new topic and needs more research. Each institution requested I keep them informed of research progress.

Administrator James also points out several points of interest from her conversations with other municipalities who regularly compile emails.

- * It hinders the staffs work because of the need form more face-to-face meetings as opposed to email draft documents.
- * It is very time consuming for staff.
- * It decreases the amount of non-work related email's.
- * There are more person-to-person and phone conversations.

Administrator James stated she would like to come back to Council at the January meeting with more information on this subject.

Mayor Montgomery questioned whether our server could produce all emails that were from any Council member electronically.

Administrator James confirmed that we could with enough hours and staff.

CONSENSUS – Administrator James to continue research and to return to Council at the January meeting with a final recommendation.

2. *Update on Atlantic Avenue permit status (Nelder/Montgomery)*

Commissioner Nelder stated we received the revised plans at 3 pm today. Mr. Batson will make a few minor changes. He questioned Attorney Canoutas as to what should be our next step?

Mayor Montgomery pointed out that there are two permits. Permit #1, which was approved, has boardwalk elevated. Permit #2 has the boardwalk flat on the ground and required more information. It was reviewed by the Attorney General and was found to not be in compliance with NC Statutes which would require seeking a variance. The Council is questioning whether to modify the approved permit to lower the boardwalk as much as possible and resubmit, or to submit the second permit which will probably be denied.

Commissioner Lambeth referred to letter from Asst. Attorney Christine Goebel. The letter states it “appears” that the second set of plans will be denied. He would like the Town to try this first.

Mr. Batson has been working with Beautification Committee Co-Chair, Ken Withrow. Mr. Withrow is working with the information that Mr. Batson has provided and feels there is no need for additional plans to be drawn.

Mayor Montgomery questioned if we have, at any time, requested a variance for this project.

Mr. Batson reassured that we had not. He also clarified that if Mr. Withrow’s revised plan is denied then we can request a variance.

Attorney Canoutas pointed out that the letter from Christine Goebel states “DCM staff would have to deny permit application.”

Commissioner Vatrt would like for Council to ask Ken to go forward finishing the plans. And then decide whether we will move forward with the Atlantic Avenue boardwalk. Mr. Withrow stated that it will be approximately two weeks to complete the plan revisions.

ACTION – Commissioner Vatrt MADE THE MOTION to directed Ken Withrow and Building Inspector Batson to complete drawings and requested additional items from CAMA and submit the information to CAMA for a final decision on the second permit. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Lambeth questioned the cost for these revisions. Mr. Batson pointed out that there would be an adjustment to the pricing. Commissioner Lambeth pointed out the expenses for this permit request can be recovered through the grant.

ACTION - Commissioner Dugan MADE THE MOTION to continue this item to the next agenda. Commissioner Vatr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Montgomery requested a 10 minute recess at 8:30 pm
Mayor Montgomery returned to open session at 8:45 pm.

NEW BUSINESS

1. *Recommendation from Planning & Zoning Commission to Amend Chapter 19, Article VI Signs - Craig Galbraith, Planning & Zoning Commission*

Craig Galbraith presented this recommendation for the Planning & Zoning Commission. They want to address signage that would be considered unsafe. The updates to the Ordinance would then be consistent with current zoning maps and the Land Use Plan of 2006.

A strong and consistent sign ordinance will benefit the Town in many ways. The proposed revision to the Sign Ordinance amortization is for a seven year term. Mr. Galbraith stated there is a Workshop scheduled in February by Dexter Hayes to address any issues concerning this Amendment.

Mayor Montgomery stated such an amendment would require a public hearing.

MOTION - Commissioner Nelder MADE THE MOTION to schedule a Public Hearing for January 20, 2009 at 5 pm to gather public opinion on this matter. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. *Recommendation from Planning & Zoning to Amend Section 19-320, Subsection 3 and adopt the following as a supplemental regulation (Batson)*
"No more that 250 square feet of single level, freestanding, uncovered deck, which does not include the walkway to the beach, may not encroach more than 15 feet. This would apply to lots where CAMA 60 foot setback is within five feet of the perpetual easement line. All proposed construction will also be subject to all CAMA deadlines."

Building Inspector Batson presented recommended Amendments from the Planning & Zoning Commission.

Mayor Montgomery clarified that Mr. Batson is requesting a public hearing to Amend the Ordinance. Mr. Batson agreed this was correct.

ACTION - Commissioner Vatrt MADE THE MOTION to schedule a Public Hearing for January 20, 2009 at 6 pm, or soon thereafter, to gather public opinion on this matter. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Discussion and Approval of Board of Adjustment Request for Definitions

Harry Humphries, Chair of the Board of Adjustments, pointed out that the Board is in need of definitions for a porch, deck, sun deck, balcony, loft, widow's walk, spire, and dome. They are also requesting how far can each encroach onto a set back?

Mayor Montgomery pointed out that in most Town's Code of Ordinances there is a list of definitions.

ACTION - Commissioner Vatrt MADE THE MOTION to direct Board of Adjustments to request Planning & Zoning present a list of definitions for the Town's Ordinances. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Vatrt MADE THE MOTION to modify previous motion to allow the Planning & Zoning Commission to consult with a design professional if necessary. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4. Approval and Consideration of Cost-Savings Proposals

a. Reduce Newsletter Publication from Quarterly to Twice a Year

Administrator James recommended the Town reduce the newsletter from quarterly to twice a year which would save around \$2000.00 annually. The Town can still communicate to several hundred Kure Beach citizens through the email distribution list.

Mayor Montgomery clarified we can still send citizens a hard copy if they would like this.

Administrator James stated that the Town is looking to send a questionnaire in the January water bill. They would state whether they would like the newsletter via email or hard copy.

Commissioner Lambeth questioned as to how the Town will communicate this on the water bill.

Administrator James explained a sticker could be placed on the water bill with this information. When a new resident applies for water service they will fill out a form that will question how they would like to receive their newsletter.

Commissioner Vatrtr stated that the quarterly newsletter is a good idea, but the information sent quarterly is usually relatively old news. It would be nice to have a monthly publication going out to the public. He pointed out that if we relay to them there would be a cost savings to the Town it might help convince the public to accept the reduction in newsletters

Administrator James made the recommendation to begin monthly and quarterly Council columns in the Island Gazette instead of publishing a January newsletter.

Eric Vann is recommending publishing the newsletter in its usual format in January. However, the newsletter could contain a memo to residents stating the intentions of the Town, and request feedback.

MOTION - Commissioner Lambeth MADE THE MOTION to have the Columns in the Island Gazette with notice of change and request for feedback on the January water bill. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - Council agreed to only publish the newsletter twice a year.

5. *Discussion and Approval of Funding Requests*

a. Purchasing additional Christmas decorations (Nelder)

Commissioner Nelder is requesting permission to purchase one additional Christmas decoration. He also would like approval for Public Works to maintain this light.

Commissioner Vatrtr pointed out that Department Heads may have funds that are available but that does not grant that individual the authority to spend the funds indiscriminately. They would still have to come to Council to request funding.

Commissioner Lambeth stated that he would not support getting money from Public Works budget unless it got a full vote from Council.

ACTION - Commissioner Nelder MADE THE MOTION for Council to authorize the purchase of one Christmas decoration for the Town at a cost of \$450 to be purchased now and erected before Christmas. The MOTION DIED for lack of a second.

- b. *Contributing to:*
 - i. *Help Center of Federal Point*
 - ii. *Federal Point History Center*
 - iii. *K. B. Hines Senior Center*

Commissioner Vatrtr highly recommends waiting until the end of February until the Town has a better idea of where it stands financially to contribute to these agencies.

Mayor Pro Tem Dugan is unaware of any request for donations that have not been a good request. He acknowledged that it is the Town's duty to help organizations that help others.

Commissioner Lambeth is requesting that all requests be deferred until the February meeting.

Commissioner Nelder asked for clarification on whether the money available is TDA money or general fund money. Administrator James confirmed that it is general fund.

MOTION - Commissioner Vatrtr MADE THE MOTION to defer these requests until the February meeting when the Town will have a better idea of financial capabilities. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - Mayor Montgomery asked Council to acknowledge and recognize that these are valid requests and the Town will consider contributing once they have a better idea of their financial forecast.

6. *Discussion and Consideration of Amending Code of Ordinances to add Section 1-16 Mistaken Interpretation of Regulations Shall Not Establish Precedence.*

Harry Humphries

ACTION - Commissioner Nelder MADE THE MOTION to adopt the Ordinance Amendment. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

EXECUTIVE SESSION (If Necessary)

ACTION - Commissioner Vatrtr MADE THE MOTION to go into closed session at 9:49 pm to discuss contractual issues with the Town Attorney regarding Ocean Front Park design firm candidates. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Vatrtr MADE THE MOTION to return to open session at 10:30 pm. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - The Council will invite LS3P and Withers & Ravenel to return on January 2, 2009 for a second presentation and discussion of contractual terms. The time will be determined upon availability of the firms. This will allow enough time for due process.

CONSENSUS - The Council directed Administrator James and the Town Clerk to draft a letter and a card of thanks to Hipp & Best.

ACTION - Commissioner Nelder MADE THE MOTION to invite LS3P and Withers & Ravenel to return on January 2, 2009 (time is yet undetermined) for a second presentation and discussion of contractual terms. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 10:30 pm. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mac Montgomery, Mayor

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.



KURE BEACH TOWN COUNCIL
SPECIAL MEETING
DECEMBER 15, 2008
4:00 pm

MINUTES

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
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 3:59 pm stating the purpose of the meeting is to interview design teams for the Kure Beach Ocean Front Park.

LS3P

Chris Boney, Principal-in-Charge and Project Architect, opened the presentation. Chris introduced Project Architect, LeAnn Lawrence and Project Manager, Donna Ray Mitchell of ColeJenest & Stone.

Mr. Boney presented the Council with some background information on LS3P Associates, LTD. He pointed out that LS3P has more LEED (Leadership in Energy and Environmental Design Green Building Rating System™) Accredited Professionals than any other architectural firms in Wilmington.

Garrett Theisen, LEED Accredited Professional Sustainable Designer, stated that LS3P prefers getting with the client and involving them in the process at every level. LS3P will work with the Town to develop several options for consideration.

Listed below are some examples of LS3P's Park Projects:

Autumn Hall Mixed Use Community, Wilmington Award for Green Park
Raven Rock Visitor Center and State Park, Lillington, NC
Southpark Regional Mall, Outdoor Amphitheater, Charlotte, NC
Veteran's Park Educational Campus, Wilmington, NC
Wilmington Children's Museum, Wilmington, NC

Project Manager Donna Ray Mitchell of ColeJenest & Stone, presented the Council with a list of services ColeJenest & Stone offers, along with several projects they have worked on.

The services include:

Civil Engineering	Urban Design
Landscape Architecture	Cost estimating
Land Planning	Planting / Irrigation design
Land use evaluation	Bidding / Pricing
Due-diligence / site analysis	Construction Administration
Workshop facilitation	Public art implementation

Listed below are several of the projects ColeJenest & Stone have worked on:

Henry C. Chambers Park, City of Beaufort

Pack Square, Asheville, NC

The Green at Wachovia, Charlotte, NC

Morgan Square Festival, Spartanburg, SC

Project Architect LeAnne Lawrence addressed some of the issues that the Town and the chosen design firm may have issue with.

- * Screening to cover unsightly views.
- * Residence located on NE corner of site.
- * The existing utility poles. Look into the possibility of burying the lines to undo some of the clutter.
- * Emphasizing the relationship of the Park to the ocean.

Mrs. Lawrence brought attention to several design considerations for the Park.

- * Keeping the history of Lower Cape Fear Beach Traditions.
- * Implementing green building technology.
- * Provide a variety of experiences to appeal to a broad range of citizens and visitors.
- * Allow for multi-functionality.
- * Provide an authentic experience.
- * Incorporate places of relaxation.
- * Place for gatherings, but not have a vacant facility when there are no functions going on.
- * Playgrounds that draw upon nautical heritage of the region.
- * Make good use of the entire space for temporary exhibits such as farmers markets and art shows.

Chris Boney presented LS3P's Design Concept to the Council.

- * The biggest move is moving Atlantic Avenue road back to move the Park closer to the water.
- * If possible, have the Town purchase lot west of the Park to provide parking to take the traffic load off of K Avenue. If the Town cannot purchase the lot, we could provide parking along the radius of the newly located Atlantic Avenue. The relocated

road will have a pedestrian walkway that will lead you to the Colonade located on the eastern side of Atlantic Avenue.

- * Install windmills on either side of the pavilion that could pump water from well to provide water for drinking fountains.
- * Bath house with storage on south western portion of Park.
- * Electric car parking on south western portion of Park.
- * Childrens play area located on Northwest portion of the Park.

Mayor Montgomery--What role would LS3P play in securing additional grants and funding for Park?

Mr. Boney – They are not grant writers, but have been involved with assisting grant writing.

Commissioner Vatr – This Park will draw a lot of attention. It is very unusual for a Town to purchase ocean front property to build a public park on. It will bring a lot of notoriety to whoever designs the park. The Town will be looking for a firm that would work with the Town to promote the Park.

Mr. Boney – They would be able to help with that by submitting drawings and graphs to local media sources.

Commissioner Nelder - Do you have a member who specializes in marketing for projects such as this?

Mr. Boney – They do have a couple of people in Wilmington that handle marketing. They also have a graphic designer in Charleston that handles some of their marketing needs.

Mayor Montgomery – Is LS3P prepared to be involved in something that is an environmental model? This enables the Town to get more money.

Mr. Boney – “This (project) is a little jewel.” It could be a LEED Certified project; it could win awards, and be in several magazines. They have a full time research assistant, Joel Keller, who does nothing but research sustainable techniques for their projects.

Commissioner Nelder – He emphasized that stormwater experts are needed for this project.

Mrs. Mitchell – They have innovative techniques, but their biggest restriction will be on the Municipal Ordinance side. They have many techniques that they would like to try, but their hands may be tied by the Town’s Ordinances.

Commissioner Lambeth – He stated there is no way the Town would be able to purchase additional property for this project. He also questioned what is the minimum radius allowable for personal and emergency vehicles?

Mr. Boney – He believes the minimum radius for emergency vehicles is 50 feet.

Mayor Montgomery – Informed LS3P they had reached their time limit. And stated it is the Council's goal to make a decision on choosing a firm before Christmas.

Hipp & Best

Mayor Montgomery reminded the firm of the 30 minute time limit and expressed that it is the Council's goal to make a decision on choosing a firm before Christmas.

Clark Hipp, of Hipp & Best Architects, opened the presentation.

- * He would be the Design Team Leader.
- * The firm only takes on a few projects at a time to allow for ultimate attention to each project.
- * They are a small firm located in Wilmington.

John Klein, Stewart Engineering

- * He is Stewart Engineering's Branch Manager for their Wilmington office.
- * He would be point of contact for Stewart Engineering for this project.
- * He has three projects that have won Lower Cape Fear Stewardship awards.

Howard Capps of Howard T. Capps Landscape Architects

- * They specialize in land planning and have previously done a lot of park work.

Cheatham & Associates, 4th Associate – They could not attend presentation today.

- * They would provide plumbing, electrical and mechanical engineering for the Park structures.

Hipp & Best will be the main coordinator, point of contact, and coordinator for consultants. They would also provide contract negotiations and architectural designs.

Mr. Klein – They would provide the civil work. He stated that the drainage design will be an issue. They would assist in obtaining permits, whether it is CAMA or Stormwater.

Mr. Capps – He would work with the Town, Committee, or the local garden club to develop a landscape design that would be suitable for a coastal environment.

Mr. Hipp discussed several existing issues with the site.

- * Atlantic Avenue is a structural and visual problem.
- * There will be many CAMA issues with this Park.

Mr. Hipp listed some necessary park elements.

- * Play structure
- * Showers
- * Benches
- * Flagpoles (Yard arm)
- * Monument

Mr. Klein explained several options for site infrastructure elements.

- * Porous concrete. It is more suitable for auto traffic; it comes in different colors and can have epoxy covering to be easier on feet.
- * Pavers for walkways would need to be ADA compliant.
- * Raising the crosswalk to make the drivers aware of the walkway.

Mr. Hipp went over their pavilion elements design ideas.

- * Coastal language
- * Trellis or hoopla
- * Wood (indicative to the ocean)
- * Exposed beams
- * Board & batten siding

1st Sketch - Cannot move Atlantic Avenue

- * The flagpole would be located next to boardwalk.
- * Trellis & swings take away some of the parking to be on the boardwalk.
- * Pavilion would be located on the North side of Park.
- * Restrooms located on the South end, putting showers closer to the pier.
- * Children's playground placed away from the street in the NW corner.
- * Sand path and coastal garden will be located on the SW corner.

2nd Sketch - Moving Atlantic Avenue back from boardwalk

- * Moving Atlantic Avenue back slightly to allow for green space next to boardwalk.
- * Trellis & swings would stay next to the boardwalk.
- * Restrooms would be on the SW corner, with plant screens behind.
- * Pavilion would be on the NW corner, with plant screens behind.
- * Flag pole would be placed in the center of parking area.
- * The playground would be located by the restrooms.

3rd Sketch - Moving Atlantic Avenue to the back of the Park

- * Atlantic Avenue would curve around the back edges of the property with parking located in the NW and SW corners. Both parking areas would have plant screens.
- * The monument would be located at the back, center part of the Park.
- * The playground would be located in the NW portion of the Park.
- * The shower area would be located in the SW portion of the Park.
- * The pavilion will be located at the East Central part of the Park, next to the boardwalk with the flag pole in between.
- * There would be trellis & swings located on both sides of the flag.

Mayor Montgomery – Opens the discussion for questions.

Mayor Pro Tem Dugan – He stated that the Council is not expecting the finished product at this point, but we are looking for concepts.

Commissioner Vattr – Expressed the need for screening. There are structures that surround the Park that would require screening of some sort.

Mr. Capps – Noticed that the home located on the NW corner of the Park has no windows on the side facing the ocean. This would make it easier to provide screening on this portion of the Park.

Mr. Hipp – They were looking for ways to design around negative space.

Commissioner Lambeth – Questioned in sketch three whether the turn radius of the road was 50 feet to accommodate for emergency vehicles.

Mr. Capps –The road radius for sketch three is approximately 35-40 feet.

Commissioner Lambeth – Stated he cannot support sand paths due to ADA concerns.

Commissioner Nelder – One of the main concerns for the area is parking. The Town is looking to add parking and not take it away.

Mr. Capps – Stated that you may be able to downsize the parking stalls from 10 feet down to 8 ½ feet, which is considered the standard size. This will add additional parking to the Park.

Mayor Montgomery – Questioned the firms background on working with state and government agencies, as well as grants?

Mr. Hipp – They could assist in getting grants for this project. Hipp & Best understands what the necessary requirements for obtaining grant funding are.

Mr. Capps – Clarified that he has worked on and written several CAMA and PARTF (Parks and Recreation Trust Fund) grants in the past.

Mayor Montgomery informed them their time had expired and reminded them again the Council is hoping to make a final decision before Christmas.

Withers & Ravenel

Principal in Charge

Cindy Wolf, RLA Withers & Ravenel

Structural

Andrew Consulting Engineers, PC

Project Manager

Bob Harned, RLA, LEED AP Withers & Ravenel

Architectural

Eric Lindstrom, AIA SFL+A

Landscape Architecture

Greg Lambert, RLA

Civil Engineering

Robin Austin, PE

Stormwater Mgmt.

Hunter Freeman, PE

Surveying

Miles McCall, PLS
PME
Nick Kisley, PE
Constr. Admin.
Andy Johnson
CAMA Permitting
Troy Beasley

Mayor Montgomery reminded the firm of the 30 minute time limit and expressed that it is the Council's goal to make a decision on choosing a firm before Christmas.

Cindy Wolf opened the presentation, introduced the team, and gave background information on Withers & Ravenel.

Bob Harned gave information on their firm and their experience working on similar projects.

- * They work specifically with municipalities.
- * Many of their previous plans have included Low Impact Development (LID).
- * They envision turning the park into a destination and an educational opportunity.
- * The firm is aware of Stormwater Management issues with this project.
Hunter Freeman is heading up all Stormwater issues for Withers & Ravenel.
- * They proposed using rain gardens for cleaning rainwater runoff.

Troy Beasley – Gave information and examples of Withers & Ravenel's experience with CAMA permitting.

- * "For better or worse CAMA regulations and setbacks are going to dictate and shape the design of this project."
- * Knowing the CAMA regulations upfront will allow you to design the Park that Kure Beach wants as well as prevent costs and delays in construction.
- * He works with CAMA on a daily basis and met with CAMA representatives concerning the site plan for this project. What they found was any development within the 120 foot setback and larger than 5,000 square feet does not meet current CAMA regulations. The Ocean Front Park will not meet these regulation requirements. Therefore, it has to be permitted under a CAMA Variance.

Eric Lindstrom is discussing the architectural design of the Park.

- * This Park will be driven by permitting, reviews and location requirements.
- * His firm has worked primarily on educational projects.

Mr. Harned discussed Withers & Ravenel's decision of how they will approach this project.

They made the decision to focus on their abilities instead of coming up with a design concept for the Park at this point in the process. They emphasized the need for community involvement at the beginning of a project such as this. The Town of Kure Beach will need to have a general agreement of expectations before design implementation. A schedule is another part of this process that will need to be established in the early stages. The surrounding properties play a vital role in the appearance, function and flow of this Park. They do not feel comfortable coming to the

Town with a proposed design to “sell their firm” with. They feel at this point it is best to inform the Town of their expertise and talents with projects similar to this one.

Eric Lindstrom discussed the imagery needed for the process. He presented the Council with a structural design sketch for the Park. He pointed out that sketches can be produced pretty easily. He can upload them onto a computer to allow a virtual walk through of the structure. Eric also wanted to express that structures can be changed very easily, but ultimately it is codes and ordinances that will design the structures for the Park.

Mayor Montgomery – This project is funded by external grants. Most of these funding agencies have different requirements. What role will your firm play in helping the Town obtain the necessary funding?

Mr. Harned – They would identify the project needs as it moves forward and work with the different agencies to make sure there is no contamination of funding sources. Their Stormwater Engineer was unable to come today, but wanted it stated to the Town there might be additional monies available through Clean Water Management Trust Fund to use this site as another demonstration very much like with NC State and their dune system. Withers & Ravenel wants to push beyond the funding the Town has today and help identify additional funding if at all possible. They feel it is a good idea to continue with the good press it has received thus far. Also, presenting the Park as an educational park and community resource is vital to feed the positive image of the Park.

Commissioner Vatrt – Pointed out the issues concerning the commercial structures surrounding the Park.

Ms. Wolf – There are different methods with plants and decorative walls that will help with drawing your eye away from the surrounding structures.

Commissioner Lambeth – Stated the Town is aware that this Park could be a maintenance cost drain on the Town. We are looking for elements that will help with reducing long term costs.

Ms. Wolf – She stated there are materials that are vandal-proof that would reduce the cost for the Public Works maintenance fees. There are also ways of securing park structures in a way that are both effective and visually appealing. Low cost maintenance is one of the basic principles of Low Impact Design (LID).

Commissioner Dugan – Questioned if they had a discussion of possibilities for the road.

Mr. Harned – His understanding is that Atlantic Avenue is a city street, not a DOT road. This means the Town has authority to do with it what they choose. This will be beneficial when planning the final location of the road within the Park.

Mayor Montgomery informed them their time had expired and reminded them again the Council is hoping to make a final decision before Christmas.

After the final design firm left the Council stayed in session and discussed their impressions and ideas for each firm that presented today.

Commissioner Vatrt was very impressed with Withers & Ravenel. He felt they answered every question the Council presented right away and appreciated their "out-of-the-box" thinking.

Commissioner Lambeth felt that Withers & Ravenel has a really good track record for getting their projects done quickly and effectively. He also pointed out that LS3P was good, but the Town of Kure Beach could not afford what they had presented, such as the buildings. The maintenance on their building concepts would be financially draining to the Town. This is a factor that the Council needs to keep in mind when making a decision.

Mayor Pro Tem Dugan expressed that no matter what firm is hired to do the Park, they will not build any building unless the Council approves it first.

Commissioner Vatrt felt that Withers & Ravenel better understands the Town's need to acquire additional funding from grants more than the other firms that presented today.

Mayor Pro Tem Dugan liked LS3P's design. Hipp & Best is a small company that could work well with a small town. Withers & Ravenel would be able to assist in obtaining grant funding better than the other firms.

Commissioner Lambeth and Mayor Pro Tem Dugan both stated that if they were to make their decision at this time they would both pick Withers & Ravenel.

Mayor Montgomery stated that Withers & Ravenel were the only ones that acted as if they were ready to "hit the ground running" with this project. They appeared ready to begin assisting in grant writing. He stated that they should be good at writing the grants since they would be getting paid from these grants.

Mayor Montgomery pointed out that there is a time issue because most of the grants are due at the end of January.

Administrator James stated that Withers & Ravenel did address many issues that the Council had in regards to obtaining grant money. However, she pointed out that they did not present a conceptual drawing of the Park as was requested in the RFP from every firm. She gave LS3P very high marks for thinking outside of the box.

Commissioner Lambeth and Mayor Montgomery pointed out that Withers & Ravenel did their homework before making this presentation to the Council. They knew what the Town was going to face with this project and came prepared with funding options and solutions.

Mayor Montgomery stated that the Council will go into Executive Session at tomorrow's Regular Council meeting to discuss choosing a design firm for Ocean Front Park.

ADJOURNMENT

ACTION – Commissioner Vatrtr **MADE THE MOTION** to adjourn the meeting at 6:18 pm. Mayor Pro Tem Dugan seconded the motion. **A VOTE OF APPROVAL WAS UNANIMOUS.**

Mac Montgomery, Mayor

Kaysie Pralle, Town Clerk

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MINUTES



TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449

Mayor Montgomery Montgomery, Mayor
Mayor Pro Tem Duganugan, Mayor Pro Tem
Commissioner Lambeth Lambeth, Commissioner
Commissioner Nelder Nelder, Commissioner
Commissioner Vatrtrt, Commissioner
Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

PUBLIC WORKSHOP
JANUARY 8, 2009 4:00 PM

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator Michelle James
Police Chief Dennis Cooper
Fire Chief Harold Heglar
Building Inspector John Batson
Public Works Director Sonny Beeker
Town Clerk Kaysie Pralle

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

The Kure Beach Town Council held a Public Workshop on Thursday, January 8, 2009 at 4:00 pm for the purpose of discussing the role and purpose of the Town's committees. This is the first step for defining the budget for the next fiscal year.

CALL TO ORDER

Mayor Montgomery called the meeting to order at 4:00 pm.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to amend the agenda to include the discussion and approval of hiring of Design Firm for Ocean Front Park. Commissioner Vatrtrt seconded the motion. A VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Commissioner Lambeth MADE THE MOTION to award the design contract to Withers & Ravenel as the Design Firm for Ocean Front Park. Commissioner Nelder seconded the motion. A VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Vatrt requested that it be relayed to Withers & Ravenel that they would work with NC State University in terms of a design program for Kure Beach's downtown area.

Mayor Montgomery also stated that Withers & Ravenel would be working in conjunction with Environmental Engineering Services Corporation as the Town's engineer.

Commissioner Lambeth stated his concern to address with Withers & Ravenel would be the cost of the project to the Town.

Mayor Montgomery emphasized that every design is subject to Council's approval.

Commissioner Nelder stated that we need prices for stormwater.

ACTION – Commissioner Vatrt MADE THE MOTION to direct Administrator James and Public Works Director Sonny Beeker to immediately begin contract negotiations with Withers & Ravenel. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Montgomery opened the workshop and introduced Commissioner Vatrt as the lead for this workshop.

Commissioner Vatrt started by stating that the Council needs to determine what are their roles in the Town's committees.

Are they an active participant? Are they an advisor? How much input should they give? Should we give any input?

Mayor Montgomery stated his understanding of Council's role is to act as a "go-between" for the committee and the Council.

Commissioner Lambeth stated his understanding is that liaisons are to be at the meetings to advise committees.

Commissioner Nelder stated Council is not supposed to influence a committee's decisions or actions. They are a "go-between".

Mayor Pro Tem Dugan stated the original intent for Council was not supposed to drive the committee's decisions, it was to provide support.

Commissioner Vatr questions whether committees should have a beginning, middle and an end? He noticed that several committees were confused about what their role is.

He gave the example of the Citizens Beach Protection Committee whose original mission was to give measurements for the US Army Corps of Engineers. They felt they had the right to budget money for beach renourishment. In today's environment, they realize that is no longer the case. John now does the measurements for the Corps. The committee started getting into legal issues involving fireworks and other issues that were not in line with their intended purpose. They have now begun to refocus on their committee's purpose. They realized their purpose was to educate beachgoer's of the rules, regulations and ordinances of the Town.

Mayor Montgomery disagrees with some of the comments made by Commissioner Vatr. He agrees that committees should have a beginning and end. He stated committees were created for a particular need of the Town. When that need ends, the committee should as well. He recognized that several committees are ongoing and will not end. He gave the example of the New Hanover County Parks & Recreation Advisory Board which has no authority. Any changes that have anything to do with recreation are routed through that committee. The New Hanover County Parks & Rec. Director sits on that committee as a non-voting member. They only meet when necessary.

Commissioner Lambeth pointed out that the NHC Parks & Recreation Advisory Board has the Council's ear. If an issue is not approved by the advisory board before going before Council, it will not be approved by Council.

Mayor Montgomery stated the SLAP committee was formed to help develop and carry out the Shoreline Access Plan. At this time he does not feel this committee has a mission.

Commissioner Vatr clarified that several committees are mandated, such as P&Z, BOA, and the Community Center.

Mayor Montgomery mentioned the Annual Street Festival Committee has a purpose once a year and he feels does not need review.

Commissioner Vatr feels that the ad hoc committees are where the Council should be focusing. These include Beautification, SLAP, Parks & Rec., Stormwater and ADA.

Commissioner Lambeth pointed out that it is his understanding Parks & Rec. is necessary for grant acquisition.

Commissioner Vatrt clarified that they are all valuable, but need a defined purpose.

Mayor Montgomery stated that Parks & Rec. is an advisory committee. With the exception of P&Z and BOA, none have legal authority. Emergency Management and Damage Assessment act in place of Town government in the event of an emergency. They should be removed from the discussion.

Commissioner Lambeth stated that it is his understanding Parks & Rec. is state mandated to go after State Grants. We have to have that committee to go after state grants.

Mayor Pro Tem Dugan questioned whether the Town is required to have that committee to get State money?

Commissioner Lambeth stated he believes it is required for getting "State" money.

Mayor Pro Tem Dugan also pointed out we are required to have a Community Center.

Commissioner Vatrt questioned if a committee that has a functional role in helping us get grant money, do they go about doing things on their own, or should they be working with Council?

Mayor Montgomery pointed out that Parks & Rec. is performing a function that would normally be done by a staff member. We have been asking this of committees where normally staff should be responsible.

Commissioner Vatrt questioned if we have a committee that is doing great things for the Town, are we as a Council, giving them clear direction of what we expect in the year 2009? If there is no initiatives for them to work on, we need to address this with them on the 15th.

Commissioner Lambeth suggested starting with the Ocean Front Park Committee.

Mayor Pro Tem Dugan stated their function will end when Council approves a final plan for the Park.

Commissioner Lambeth questioned if this is a 7-8 month lifespan?

Commissioner Vatr confirmed this.

Commissioner Vatr stated he has heard from several committees that they are frustrated with their current circumstances. He mentioned that Tony Gonsalves, SLAP Chair, feels he has been sent mixed messages and is frustrated as to whether he should be working on public restrooms. Tony is looking for direction at the January 15 meeting.

Mayor Montgomery pointed out Council needs to give them a clear mission. He stated we still don't have the staff necessary to do all the Town's activities and we need our volunteers.

Mayor Pro Tem Dugan stated the problem is 90% ours. We formed the committees with a function and turned them loose. There has been little focus given to them from Council. If we narrow down what to work on, they can better focus on what to give to Council. They meet every month and have nothing to talk about. So they look for stuff to talk about. They could be on hold and reactivate when necessary. He feels that the ADA committee could be eliminated because of Commissioner Lambeth's presence and attention to ADA needs.

Eric Vann, Stormwater Management Chair, suggested that perhaps we have too many committees. He stated that the Town is also running out of volunteers. He feels as a Committee Chair he is struggling to find something to work on.

Mayor Montgomery questioned Council if we can go down the list alphabetically and question what role do we need each committee? Isn't SLAP & Beach Protection both concerned about what happens on the beach? Could they be combined?

Commissioner Nelder questioned whether the ADA committee is mandated?

Commissioner Lambeth confirmed that he believes it is not.

Commissioner Vatr asked Council to go through this list and cross off the committees that don't need further discussion. The following committees were mentioned: Marketing (mandated), Emergency Management, Damage Assessment, Community Center, Annual Street Festival, and Ocean Front Park.

Commissioner Vatr started with ADA and questioned whether we needed a committee with no mission.

Mayor Montgomery pointed out that the law requires that there be an ADA compliance officer for every organization, which is Sonny Beeker.

Mayor Montgomery feels there should be someone who keeps their eye open for ADA compliance issues.

Sonny Beeker confirmed that the Town's Building Inspector has to follow ADA compliance rules.

Mayor Montgomery recommended Council consider having Gilbert Alphin, ADA Chair, represent the Town on the County's ADA committee.

Administrator James questioned what would be our representative's role at the Town as a member of the county committee?

Mayor Montgomery stated that Gilbert would be our liaison for that committee.

Mayor Pro Tem Dugan read aloud the purpose of ADA committee.

Sonny Beeker confirmed that most of what was just read, Building Inspector Batson is required to do anyway. He stated that if we were to build an addition to Town Hall plans would be submitted to Building Inspector Batson and he would then submit those plans to New Hanover County. The Building Inspector, by law, has to meet ADA requirements.

Mayor Montgomery questioned what is the approach next week for ADA?

Commissioner Vatrt stated that it is established today that staff could handle ADA requirements and refer to the committee as necessary. If we are in agreement, there would be a need to redefine Gilbert's role.

Commissioner Vatrt addressed the Beautification Committee. Where are they going?

Commissioner Nelder stated he can talk to Ken Withrow, Beautification Chair, about its purpose and direction.

Mayor Montgomery stated what the Beautification Committee mostly does is staff work. They are administering a \$5000.00 contract to landscape and maintain Town Hall. This should be done by Public Works.

Commissioner Lambeth questioned whether there is a contract for the landscaper?

Administrator James confirmed there is no contract.

Commissioner Vatrtr questioned if Parks & Recreation and Beautification could be combined?

Mayor Pro Tem Dugan recalled that a group of citizens formed Beautification. They had no focus on parks. Their focus was on medians, Town Hall, entrances to the Town and areas where there could be plantings put throughout the community.

Mayor Montgomery feels the Beautification Committee finds something and railroads it through Council. They currently have no mission unless we give them one. Mayor Montgomery does not like the fact that ideas have to come from the top, down. Direction comes from the top.

Commissioner Vatrtr stated that we are the Council and the staff. Where are the ideas going to come from if not from us? As leaders we should initiate the conversation and guide them. They can disagree and request a change of direction.

Commissioner Vatrtr questioned should we designate their purpose today, or should we address this at the January 15 meeting?

Mayor Montgomery recommends discussing it January 15.

Commissioner Lambeth read from a document dated February 2007 that was adopted by Council stating that Parks & Rec. is a necessary committee.

Commissioner Nelder recommended notifying each Committee Chair of what they need to prepare for the January 15 meeting to justify their existence.

Mayor Montgomery stated he feels the Beautification Committee has gone beyond the scope of what they were formed to do. They should not be doing work that staff is responsible for. He pointed out that if the grass at Town Hall is not cut, we cannot hold Candace Clark, Beautification Co-Chair, accountable if something doesn't get done.

Commissioner Vatrtr clarified Council agrees that there is a need to rethink Beautification Committee's mission for 2009 and have Council review any projects that may be presented.

Mayor Montgomery recalled when they painted signs outside of Town Hall. It turned out very well. However, a few years back they applied and were awarded money from the Urban Forestry Grant to plant Oak trees. The maintenance of the trees now falls on Public Works.

Commissioner Lambeth pointed out the Oak trees were replaced with Palm trees.

Commissioner Vatrtr stated that Citizens Beach Protection's focus for 2009 is on education for the public. They will come to the January 15 meeting to present their 2009 agenda.

Commissioner Vatrtr questioned if Council is ok with what the Parks & Recreation Committee is doing?

Commissioner Lambeth pointed out Parks & Rec. runs the recreational activities of the Town.

Mayor Montgomery questioned if it is up to Council to decide whether to approve Parks & Recreation's recommendations.

Commissioner Lambeth stated Parks & Rec. will not oppose direction. They would like direction from Sonny Beeker.

Mayor Montgomery stated that at some point, the Town may authorize a part time position to help with the issues Parks & Rec. currently handles.

Mayor Pro Tem Dugan stated he would be happy to get with Administrator James and develop operating guidelines for committees.

Commissioner Vatrtr mentioned the SLAP committee as the next topic of discussion.

Commissioner Lambeth stated that at one time they played a very important role for the Town.

Commissioner Vatrtr questioned if it could combine with another committee?

Mayor Montgomery stated the SLAP committee is at the point now where they are trying to find things to discuss. Only about two days of the year do we have a parking problem. They are interested in the public having access to the beach. We have approached the Wilmington MPO and they are going to conduct a free parking study. At some point we can form a committee to work on the results of this study.

Commissioner Vatrtr stated if we don't have a beginning, middle and an end for a committee, we should have a plan of where to go after the study is completed.

Mayor Pro Tem Dugan clarified the study will show who was here, how long, and where they went. We already know the parking spaces are filled, we just don't know who fills them.

Commissioner Vatr mentioned Stormwater Management as the next discussion item.

Mayor Montgomery pointed out that Stormwater Management is a required committee. The Town's Stormwater Ordinance requires we have an advisory committee. What role do they play for the Town? He knows it has a valid role, but does not know what it is.

Commissioner Vatr recommended the technical issues should go to Sonny Beeker. The education could possibly stay with the committee.

Commissioner Vatr questioned the staff if they are comfortable with their roles? Do they understand their roles with committees?

Mayor Montgomery pointed out the staff has had several meetings regarding this issue.

Administrator James stated her understanding is that her role is to attend as many meetings as possible.

Commissioner Lambeth stated Administrator James' role is to coordinate the committees to let them know if they are working on the same issue.

Administrator James expressed she feels that there is an expectation of staff from the committees.

Mayor Montgomery stated if we define roles at the January 15 meeting, we are establishing committees advisory role to the Council.

Administrator James pointed out she noticed that the Citizens Beach Protection Committee seems to think Building Inspector Batson works for them.

Mayor Montgomery stated once again that committees are advisory. Committees do not work for anyone and no one works for the committee. Staff does not take direction from the committees. The liaison is responsible for clarifying this.

Building Inspector Batson stated that in regards to the beach renourishment issue, the committees aggravate staff so much; they eventually just go do what they want to do.

Mayor Montgomery pointed out that committees would like to hear from staff what they should be doing.

Sonny Beeker clarified that if Council gives a committee the approval to work on a project, the Liaison should work to make sure only this work is completed.

Administrator James stated this should be in writing and driven by the budget.

Commissioner Vatr stated in four months we are going to be finalizing 2009-2010 Budget. This issue needs to be part of it. We should direct committees to come up with ideas before May 1 so that Council can decide what projects to approve and how much money to put towards that project.

Mayor Montgomery reminded everyone of the January 15 meeting that starts at 2:00 pm. Committee Chairs are directed to come to the meeting with what their mission is for 2009, a list of projects and the proposed cost of these projects.

Mayor Montgomery also informed Council that he was contacted by Senator Marc Basnight's office to serve on a committee for offshore drilling. He has accepted a seat on the Offshore Energy Study Committee.

ADJOURNMENT

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to adjourn the meeting at 5:35 pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mac Montgomery, Mayor

Kaysie Pralle, Town Clerk

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Old
Business

Memo

To: Kure Beach Town Council

From: Kure Beach Planning and Zoning Commission

Date: January 7, 2009

Re: Recommendations to Council from January 6, 2009 Planning and Zoning meeting

In accordance with the directive of Town Council following their December 16, 2008 meeting, the Planning and Zoning Commission, from their January 6, 2009 meeting, recommends that the following definitions be added to the Town of Kure Beach Code of Ordinances:

1. Porch – A covered area adjoining an entrance to a building and usually having a separate roof.
2. Deck – An open, unroofed porch or platform extending from a house or other building.
3. Sun Deck – A deck or terrace for sunning.
4. Balcony – An open platform projecting from the wall of a building usually supported by brackets and enclosed by a railing.
5. Loft – A room or storage area within a sloping roof or attic.
6. Widow's Walk – A railed observation platform usually atop a coastal house.
7. Dome – A large hemispherical roof or ceiling.
8. Spire – A steeply pointed roof termination to a tower.

Memo

To: Kure Beach Town Council
From: Kure Beach Planning and Zoning Commission
Date: December 8, 2008
Re: Recommendations to Council from December 2, 2008 Planning
and Zoning meeting

Following discussion at the December 2, 2008 Planning and Zoning Commission meeting, the Commission makes the following recommendation to the Kure Beach Town Council:

1. Amendment to Article VI: Signs

It is the Planning and Zoning Commission's recommendation that Council adopt the attached as Article VI of the Town of Kure Beach Code of Ordinances.

2. Beach Renourishment Easements

It is the recommendation of the Planning and Zoning Commission that Council adopt as a supplemental regulation to the Kure Beach Code of Ordinance Chapter 19, the following:

"No more than 250 square feet of single level, freestanding, uncovered deck, which does not include the walkway to the beach, may not encroach more than 15' ft. This would apply to lots where the CAMA 60 foot setback is within 5 feet of the perpetual easement line. All proposed construction will also be subject to all CAMA guidelines."

RECOMMENDED AMENDMENT TO KURE BEACH SIGN ORDINANCE
(Deleted B1, B2 and B3)

ARTICLE VI. SIGNS

NEW SECTION: Intent

The purpose of the following sign requirements is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.

The sign ordinance applies to the incorporated Town limits unless otherwise identified. It applies to commercial buildings in all zones

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.

Canopy 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)

Extraterritorial Jurisdiction shall mean the area adjacent to the Town where Town land development regulations can be applied

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 a list of signs that are prohibited by zone.

Sec. 19-372(a) to read:

Computation of area of individual signs.

The area or "surface area" of a sign is defined by the smallest perimeter (formed by a rectangle) fully enclosing the total surface devoted to the sign's message, together with any ornamentation, embellishment, and associated background, excluding any necessary supports or uprights on which the message is placed and excluding any architectural ornamentation. As an aid to interpreting this formulation, the following is to be employed:

If the message is on a surface, structure or frame specifically employed for holding signage, the entire surface area within the frame's border is counted;

If the message is on a door, wall or other structural part of a building, only that portion of the door, wall or structure actually devoted to the message and associated symbols and back ground, if any, is counted

If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign and the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area.

19-372(b) to read:

Total Sign Area Allowed for Permanent Non-Residential Signs

Each commercial and business property is allowed a total aggregate surface area not to exceed one and one-half (1½) square feet for each linear foot of building frontage. Buildings located on corner lots (fronting upon two (2) public commercial street right-of-ways, excluding alleys, walkways, side streets and residential streets) and multi-story buildings with upper floor non-residential occupants or tenants are allowed a maximum sign surface not to exceed one and one-half (1½) square feet for every linear foot of building frontage. Suspended and projecting signs shall be calculated separately from other wall signs

19-372(c) to read:

Signs Not Included in Total Area Allowance

All permanent signs permitted and regulated through the ordinance shall count as part of the property's total allowed signage except: building markers, flags and flagpoles, identification, incidental, wall mounted directory of no larger than three (3) square feet, suspended signs of no larger than two (2) square feet in total area. In addition, signs specifically associated with

sidewalk cafes, sandwich boards and street furniture shall not be calculated as part of the establishment's total sign area.

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, name 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 current governmental agency, except where displayed in connection with commercial promotion; items in this category are not to exceed thirty-two square feet. ~~Only one flag per property is allowed.~~
- (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 six (6) 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 off street right-of-ways in all zones except commercial. All signs in this category in the commercial districts 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.~~
- (6) One may erect non-illuminated political signs, not greater than six (6) square feet, for a period of fifteen (15) days prior to any primary or general election. Political signs shall be removed within seven (7) 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. No political signs are allowed on public property.
(Ord. of 8-19-03)
- (7) Current residential monument signs erected prior to 2008 are allowed. Monument signs must be approved and are subject to the subdivision approval process.
- (8) *Historically significant signs* The Federal Point Historic Preservation Society, the committee charged with protecting historical districts, may nominate signs located in such districts as historically significant signs. The Town Council shall hold a public hearing and make final determination as to the historical significance of such nominated sign, and if such sign is found to be historically significant, then the prohibition herein shall not regulate such sign. However, such sign may only be maintained and shall not be enlarged, diminished or significantly changed, and in the event of such notification of change, it shall lose the protection as an historically significant sign.

Sec. 19-374. Permit required; administration.

- (a) The code enforcement officer 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 code enforcement officer.
 - (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 code enforcement officer may require such additional information as to 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.]

Unless expressly permitted elsewhere in this chapter, the following commercial signs are prohibited:

- (1) *No commercial sign shall be erected within or encroach upon any public property or within any public right-of-way, or which obstructs the sight distance at intersections.*
- (2) *Flashing, moving, pulsating or intermittently lighted signs, electronic reader boards, programmable signs, time and temperature signs, laser lighting and search lights.*
- (3) *Signs which conflict with or imitate any traffic control device due to color, wording, design, location or illumination, or which interfere with the safe and efficient flow of vehicular and/or pedestrian traffic.*
- (4) *Animals, or human beings, live or simulated, designed or used so as to attract attention to the premises.*
- (5) *Loudspeakers, or signs which emit sound, odor or visible matter.*
- (6) *Signs with mechanical movement.*
- (7) *Flags, kites, pennants, balloons, spinners, streamers, or other such advertising devices or displays – except seasonal holiday decorations.*
- (8) *Signs which constitute a nuisance or hazard due to their intensity of light.*
- (9) *Signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the owner of the sign within 60 days of the business' closing date.*
- (10) *Vehicle signs, trailer signs, signs affixed to automobiles, trucks, trailers, or other vehicles parked on any property within the Town for the principal purpose of advertising or display. The following shall constitute a prima facie violation of this section:*
 - (a) *The advertising medium utilized on the vehicle is a sign, device, or structure separate from the vehicle.*
 - (b) *The copy is readily changeable, including but not limited to, repainting such sign, device or structure.*

- (c) *The sign, device or structure exceeds nine (9) square feet in area and the vehicle is parked on the street or on the business premises to which the advertising relates or in reasonable proximity thereto and the location of the advertising is reasonably calculated to direct an observer toward the business. It shall be considered that advertising was the principal purpose of the parking of the vehicle, notwithstanding the fact that the vehicle is driven to and from the business premises on a daily basis. The vehicle is not parked in a manner to circumvent the standards of this chapter for the amount or type of signing permissible on a site by either parking on the site or on public right-of-ways immediately adjoining the site in such a manner as to call attention to the sign or vehicle.*
- (11) *Exposed neon conduit or tubing, interior or exterior neon window signs, interior or exterior LED signs, or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries, unless approved as part of a planned sign program. An attractive and artistic ~~traditional-small~~ exposed neon "open" sign is allowed.*
- (12) *Window signs, except as expressly permitted by this division, or as required by law. The definition of window signs is any sign that is placed within 4 feet of a window for the purposes of being able to view the sign from outside the business.*
- (13) *Price signs, except as required by law and approved by the Code Enforcement Officer of community development.*
- (14) *Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of North Carolina.*
- (15) *Painted-on-the-wall signs, signs constructed on cloth, canvas, fabric, cardboard, wall board, or other light flimsy material with or without frames.*
- (16) *Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way public sidewalk, crosswalk, curb, lamppost, hydrant, tree, alley, telephone pole, public telephone, vehicle, lighting system, or other public alarm or communication system.*
- (17) *Obscene or offensive signs containing statements, words or pictures of an obscene or indecent character which appeals to a prurient interest in sex, or which are patently offensive;*
- (18) *Portable signs, except moveable commercial A-frame, or easel type signs may be permitted for businesses to advertise menus, sale items, or other business promotions. These signs shall be designed to complement the décor of the business or building where they occur and shall comply with the following standards: One moveable, freestanding sign shall be permitted for each business; All signs shall be located on private property and must allow sufficient access to doors/pathways and not impede pedestrian movement; All signs must be removed when business is closed. The maximum allowable size of the sign and supporting structure shall not exceed 48 inches in height, 30 inches in width and 36 inches in depth. The maximum sign area shall not exceed 10 square feet; Signs shall not contain illumination*
- (19) *Temporary "grand opening" signs are allowed no more than two months.*

(20) Signs affixed to trees or other natural vegetation or rocks.

(21) All roof signs and signs projecting above the roof-line.

(22) Signs shall not be illuminated with neon, incandescent, or low luminance lighting, and halo lighting shall not be used. Signs shall not be illuminated with flashing lights, except for emergency vehicles. Signs shall not be illuminated with lights that are visible from the rear of a vehicle. Signs shall not be illuminated with lights that are visible from the side of a vehicle. Signs shall not be illuminated with lights that are visible from the front of a vehicle. Signs shall not be illuminated with lights that are visible from the rear of a vehicle. Signs shall not be illuminated with lights that are visible from the side of a vehicle. Signs shall not be illuminated with lights that are visible from the front of a vehicle.

(23) Billboards are prohibited in any district.

(24) No pole signs are allowed

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 sign that impairs or distracts a motorist or pedestrian's vision or attention.

(Ord. of 8-19-03)

Sec. 19-376. Maintenance and Replacement

Any permitted or nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 30 days and completed within 90 days of such damage. Any repair to a non-conforming sign does not change the amortization schedule for bringing that particular sign into conformance. However, if the sign should be declared unsafe by the Town of Kure Beach Building Inspector, the owner of the sign or the owner of the property whereon the sign is located shall immediately correct all unsafe conditions in a manner satisfactory to the Town of Kure Beach Building Inspector. For purposes of this section a nonconforming sign (or its structure) shall be considered destroyed, and therefore shall not be repaired or replaced except in full conformance with the Sign Code, if it receives damage to the extent of more than fifty percent of its value as determined by the Town of Kure Beach Building Inspector. Signs destroyed by proven vandalism may be replaced, but may not be changed, altered, enlarged, from their original state. If damaged by less than fifty percent (50%) of the estimated total value, but repairs are not made within 60 days of the time such damage occurs, the nonconforming sign shall not be allowed to continue and must be removed.

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 *announcing an opening of a new business* 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.

Any sign located within the zoning jurisdiction of the Town of Kure Beach which on the date of the adoption of this article, or any amendment thereto, does not conform with the provisions of this article, or the amendment thereto, is eligible for characterization as a "legal nonconforming sign," if the sign was in compliance with applicable law on the date of the adoption of this article, or the applicable amendment thereto. A legal nonconforming sign shall immediately lose its legal nonconforming designation upon the happening of any of the following events:

(1) It was determined that the sign was not permitted or in conformance with the applicable previous law when the sign was erected.

(2) The sign is altered in any way in structure, which tends to make the sign less in compliance with the requirements of the article than it was before the alteration; or

(3) The sign structure is relocated to a position making it less in compliance with the requirements of this article; or

(4) The sign is replaced; or

(5) Signs based upon the following amortization schedule:

a) Temporary, sandwich board, movable freestanding, tire stacks, and wind signs: 60 days after notification

b) Signs of less than \$100.00 in valuation: 60 days after notification

c) Signs painted on buildings, walls or fences: 2 years after notification

d) All off-site advertising signs together with all other signs: 7 years after notification

On the happening of any of the above events, the sign shall be immediately brought into compliance with this article with a new permit secured therefore, or shall be removed.

~~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 current ordinance

ZONE S	BILLBOARD	FREESTANDING	MARQUEE	PORTABLE	PROJECTING	ROOF SIGN	SHINGLED	TEMPORARY	WALL	MAX. SIZE	MAX. HEIGHT
X = PROHIBITED											
RA-1	X	X	X	X	X	X	X	X	X	N/A	N/A
RA1A	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2A	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2T	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-3	X			X					X	50 SQ. FT	35'
RA-3A	X			X					X	50 SQ. FT	35'
RA-4	X			X					X	50 SQ. FT	35'
RB-1	X			X					X	50 SQ. FT	35'
B-1	X			X						80 SQ. FT	35'
B-2	X			X						80 SQ. FT	35'
B-3	X			X						80 SQ. FT	35'

(Ord. of 8-19-03)
 Secs. 19-383--19-400. Reserved.

ZONES	BILL BOARD	FREE STANDING size & ht (max)	MARQUEE CANOPY	PORTABLE See exceptions 19-375 *	PROJECTING	ROOF SIGN	SHINGLE	TEMPORARY See exceptions 19-375 *	WALL
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AMENDED CHART:

Proposed New Sign Table

Sec. 19-382 Schedule of sign regulations.

Maximum Sign Dimensions									
X = PROHIBITED									
B-4	X	X	X	X	X	X	X	X	X
RA-1	X	X	X	X	X	X	X	X	X
RA1A	X	X	X	X	X	X	X	X	X
RA-2	X	X	X	X	X	X	X	X	X
RA-2A	X	X	X	X	X	X	X	X	X
RA-2T	X	X	X	X	X	X	X	X	X
RA-3A Off Ft. Fisher	X	X	X	X	X	X	X	X	X
RA-3 On Ft. Fisher	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RA-3A On Ft. Fisher	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RA-4 On Ft. Fisher	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RB-1 On Ft. Fisher	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
B-1	X	40 SQ FT 42' 8'	1 sign 20% of projecting	X	12 sq ft Minimum 8 foot	X	4 sq ft		15% of façade

		30% of sign may be illuminated changeable copy sign	structure		clearance from ground			X	
B-2	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	
B-3	X	40 SQ FT 42' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	

NEW SECTION: Sec 19-383: Abatement of illegal and abandoned signs.

An inventory of illegal and abandoned signs may be undertaken by the Code Enforcement Officer at any time. Every illegal or abandoned sign hereafter identified shall be deemed to constitute a public nuisance.

The Code Enforcement Officer is authorized to abate all illegal or abandoned signs. Illegal signs posted in the public right-of-way or upon public property may be removed by the Code Enforcement Officer or a Town code enforcement officer. Said signs shall be retained at Town hall for a period of not less than three working days. Thereafter, any unclaimed signs may be discarded.

Should the Town be required to remove any illegal or abandoned sign pursuant in the public right of way to this chapter, the reasonable cost of such removal shall be assessed against the owner of such sign. The cost of removal shall be \$50 per sign.

Any violation of the provisions of the Town of Kure Beach Sign Ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), which shall be due and payable within seventy-two (72) hours after the offender has been cited for violation of the ordinance. Each day's continuing violation shall be a separate and distinct offense. Failure to pay said civil penalty within the specified time shall constitute a misdemeanor. In addition, any civil penalty may be recovered by the Town in a civil action in the nature of debt.



Kure Beach Building Department

117 Settlers Lane · Kure Beach, NC 28449

(910) 458-6535 · fax (910) 458-4269

John Batson, Building Inspector

Please add the following language in red to the proposed ordinance recommended by Planning and Zoning to Council. This request is made by John Batson, and A.A. Canoutas.

“ No more than 250 square feet of single level, freestanding, uncovered deck, which does not include the walkway to the beach, may not encroach more than 15 feet. This would apply to lots where the CAMA 60 foot setback is within 5 feet of the perpetual easement line. All proposed construction will also be subject to all CAMA guidelines. Should the encroachment extend into the easement area granted to the Town of Kure Beach; then and in that event, it shall be subject to removal at the owners expense. Such removal shall be at the request of the U.S. Army Corps of Engineers for beach renourishment purposes.”

ORDINANCE

That Section 2-17 and Section 2-18 of the Code of the Town of Kure Beach, North Carolina is hereby amended to read as follows:

Sec. 2-17 Hiring of employees.

The Town Council shall determine the number of employees to be hired by each department of the Town and the Department Head shall hire the employee and shall notify the Council of such employment. The hiring authority of the Department Heads shall be the Town Council.

Sec. 2-18 Disciplinary Action for employees and Department Heads.

All disciplinary suspension, demotion, or dismissal shall be at the sole discretion of the Department Head who shall make Council aware of the circumstances. Department Head subject to disciplinary action shall be conducted by the Town Council.

Reserved Sec. 2-19 thru Sec. 2-30.

Adopted this the ____ day of _____, 2009.

MAC MONTGOMERY, MAYOR

ATTEST:

KAYSIE PRALLE, TOWN CLERK

New Business

MEMORANDUM

To: Kure Beach Town Council
From: Department Directors
Re: Amendments to the Personnel Policy

Enclosed, you will find two new policies for adoption to the Kure Beach Personnel Handbook. The following are the highlights of the two policies:

Hardship Leave Pool

- Establishes a process for employees who have a defined hardship to receive additional leave from leave donated by employees.
- No employee shall be granted more than 160 hardship leave hours within one 12-month period.
- Regular employees to contribute to the pool in the amount of one work day's sick leave per year, but must retain a minimum of 40 hours of accrued sick leave after contributing. Contributions to the hardship pool are to be made in July each year.
- An employee leaving the Town can contribute any/all accumulated sick leave to the pool.

Travel Policy

- Allows for employees and commissioners to obtain reimbursement for out-of-town mileage.
- Provides for payment of an employee's expenses at conferences to include registration, meals, airfare, rental cars, etc.
- Provides per diem for meals, gratuities and overnight expenses per Federal CONUS per diem table for Wilmington, NC.
- Provides for procedures to make advanced requests for travel and/or conferences.

We appreciate your consideration and approval of these policies on January 20.

Hardship Leave Pool Policy

Any employee, when facing circumstances requiring sick leave due to personal illness or bodily injury, or that of the employee's spouse or legal dependent living in the home with the employee, who has exhausted all available leave time (sick, vacation, holiday, floating and compensatory) to compensate the employee for that leave, may apply to the Personnel Officer for a transfer of "Hardship Leave Hours" in an amount sufficient to compensate the employee for that leave. Following are the procedures for requesting and obtaining "Hardship Leave Hours:"

Step 1. To qualify for Hardship Leave Hours, a regular employee (as defined in this Policy) must contribute to the pool the amount of 1 work day's sick leave each year, but must retain a minimum of 40 hours of accrued sick leave after contributing. Employees are eligible to contribute to this pool only during the calendar month of July of each year. An employee leaving employment with the Town may contribute any/all accumulated sick leave into the pool;

Step 2. A qualifying employee may apply in writing to the employee's Department Director for consideration of Hardship Leave Hours. A doctor's certificate of need shall be required for consideration.

Step 3. The employee's Department Director shall present the request and medical certification to the Personnel Officer for consideration by the Department Directors.

Step 4. If approved, a number of hours sufficient to completely compensate the employee for 1 full pay period, not to exceed 80 hours, shall be granted. A request for additional hours may be made prior to the end of that pay period.

Step 5. No employee shall be granted more than 160 Hardship Leave Hours within any 12-month period.

Step 6. If an employee cannot contribute the minimum sick leave hours to the Sick Pool during a given year, they shall remain eligible for assistance for 1 year, based on their previous participation in the Sick Pool Program. Verification that the employee did not possess the minimum number of accrued hours during the enrollment period is required. At the Personnel Officer's or a Department Director's direction, an emergency meeting of the Department Directors may be called to determine if an employee may receive assistance from the Sick Pool when the employee has not been able to contribute. The Department Directors will make a recommendation to the Personnel Officer for his/her final decision.

Step 7. Hardship leave may also be used for bereavement leave for death of an immediate family member for a maximum of 3 days if the employee has no other leave time available. The employee does not have to qualify for use as defined in Step 1 of this section; however, any employee who wishes to use time from the Hardship Pool must present their request to his/her Department Director who will submit it to the Personnel

Officer for consideration. The Personnel Officer may approve or deny the request at his/her discretion.

Employees should recognize that any sick leave time donated into this program shall not be returned to the employee except where any qualifying employee is eligible to apply for Hardship Leave Hours as described in this Policy. Donated hours shall also not be available for computation of accredited work hours by the State Retirement System. The use of Hardship Leave Hours does not constitute a waiver of the options available to the Town to terminate the employee after Leave Without Pay provisions of this Policy have expired, nor does it change the employee's "at will" employee status.

Town of Kure Beach

Travel, Training and Business Expenses Policy

PURPOSE:

To establish a uniform procedure for payment of certain travel, training and other business expenses.

OVERVIEW:

When it is necessary or desirable for a Town employee/commissioner to travel to participate in a meeting, conference, workshop, seminar or to otherwise conduct the Town's business, the Town will bear necessary and reasonable expenses relating to these activities.

SCOPE:

- A. The Town will pay all registration costs, including charges for any meals that are included as part of a registration fee for a meeting, conference, workshop or seminar.
- B. The Town will pay round trip train, bus or tourist air fare to destination and transportation between airports, hotels, and activity sites. The use of economy priced rental cars may be allowed by the Department Director when cost effective. All other required transportation related fees will be reimbursed by the Town.
- C. The Town will pay on the basis of mileage, incurred outside of the incorporated Town limits, for the use of their private auto, providing this cost does not exceed the cost of air travel. The Town allowance is based on current IRS regulations. Travel by Town vehicles is encouraged whenever available. Parking fees will be reimbursed. However, any parking or speeding tickets received while on Town business are the responsibility of the employee.
- D. The Town will pay the actual cost of moderately priced out-of-county lodging, including gratuities, for the employee only. If an activity is being held at a hotel, that hotel may be selected for lodging.
- E. The Town will pay per diem for meals, gratuities, and overnight incidental expenses as shown in the Federal CONUS per diem table for Wilmington, NC without receipts for In-State Travel. The current breakdown of meals, tips, and overnight travel incidentals per the Federal CONUS for In-State travel is Breakfast \$9, Lunch \$13, Dinner \$24 and overnight travel incidentals \$3. All amounts include gratuities. The Town will pay per diem for meal and overnight travel incidental expenses as shown in the Federal CONUS per diem table for the destination city without receipts for Out-of-State Travel.
http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BA_SIC
 - 1. It is expected that even if expenses greater than the per diem amount are incurred that generally these expenses will be offset by other days where expenses are less than the per diem rate.

2. Meals or banquets, included in an activity's program where there is no practical control over the site or food selection, that exceed per diem amounts may be considered for reimbursement on a case-by-case basis. Upon prior approval by the Department Director, the Town will pay reasonable extra costs for these meals and gratuities only when a receipt is furnished and the expense justified on an approved travel expense report, showing prior approval.
 3. Meals that are included in an event's registration costs should not be claimed as a per diem expense. The Town will only allow exceptions related to medical dietary restrictions. If it is decided to skip an event meal (that is included) and purchase meals elsewhere, this is considered a personal choice and will not be covered by the Town.
 4. An employee/commissioner must depart prior to 7:30 a.m. to receive per diem for breakfast. An employee/commissioner must depart prior to 10:00 a.m. and return after 2:00 p.m. to receive per diem for lunch. An employee must return after 6:30 p.m. to receive per diem for dinner.
 5. Under circumstances where breakfast or other meals are provided by the hotel at no additional cost the employee/commissioner may choose the complimentary meal and forgo the per diem or choose to make alternative meal arrangements and receive the per diem at their discretion.
 6. The IRS requires that per diem for meals where an overnight stay is not required be included in the employee's/commissioner's wages as a taxable fringe benefit. The Town will reimburse for day trip meals at the Federal CONUS per diem table for Wilmington, NC without receipts and will include the amount on the employee's W2 as a taxable fringe benefit.
 7. All out-of-state travel must be approved by the Budget Officer in advance of the travel.
- F. The Town will pay expenses for extended overnight stay when significant savings may be realized. Such extended stay must be specifically approved in advance by the Department Director and documented on the travel voucher.
- G. The Town will reimburse for incidentals such as Internet access (for business purposes) upon approval of the Department Director. The employee will document the type of expense and reason for need (if applicable). The Town will not pay for personal expenses that are unrelated to the purpose of the travel. Expenses such as, but not limited to, alcoholic beverages, magazines, movies, premium TV channels, personal Internet use and other entertainment will not be reimbursed.

PROCEDURE:

- A. To request funds in advance for overnight travel, a **Travel & Meal Expenses Form** must be submitted for the funds needed (minimum \$50) indicating the purpose of the travel, date, and location of the activity, the name of the employee and the applicable due date for payment. Approved forms must be received by Finance no less than ten days prior to the date the check is needed. It is important that two (2) copies of any forms that must accompany the prepayment be sent to Accounts Payable in the Finance Department. Accounts Payable will mail the prepayment (and a copy of the required form(s) directly to the vendor.
- B. After the completion of the activity involving overnight travel, all related expenses must be reported within five days to Accounts Payable by submitting a **Travel & Meal Expenses Form**. Receipts or other documents will be required of all expenses other than meals and overnight travel incidentals as noted in this procedure. Employees are cautioned that the Town may deny payment of any unreasonable expense or any unsupported expense. The approved form and attachments must be submitted to Accounts Payable before any reimbursements can occur.
- C. If a receipt is lost for an expense greater than \$10, a duplicate receipt must be obtained. If amount is less than \$10, additional details must be provided on the **Travel and Meal Expenses Form** or other attached documents. Duplicate receipts are generally available from vendors and hotels upon request.
- D. Town credit cards may be used to pay overnight travel and training expenses. The total amount charged to the credit card prior to or during the travel and training activity is to be entered on the Credit Card Payment Form. The original receipts of Town credit card purchases must be submitted when the Town credit card is returned to finance.
- E. When reimbursement is due to the Town, the employee/commissioner must submit cash or check in the amount of the reimbursement with the approved **Travel and Meal Expenses Form** within five working days after the completion of the activity to the Finance Department.
- F. Per Diem paid for meals not involving an overnight stay will be paid through accounts payable. The **Travel and Meal Expenses Form** must be submitted to payroll within one month. Receipts are not required.

AUTHORITIES:

- G. The Department Director, Town Administrator, or Elected Official (approved by Town Council) shall approve, in advance, all requests to travel on Town business made by those under his or her supervision and all expenses to be incurred and/or incurred relative to this travel. Because of their familiarity with the purpose of the travel and the personnel involved, the approving authority shall closely monitor expenses and question any unreasonable charges incurred. The **Travel and Meal Expenses Form** with all necessary approvals shall be submitted to the Finance Department prior to the date of travel. All out of state travel must be approved in advance by the Budget Officer.

The Finance Department will review all travel related transactions, including the **Travel and Meal Expenses Form**, and advise the Department Director of any apparent deviations from these procedures.

The Budget Officer shall rule on any differences of opinion in the interpretation of the terms of this procedure that cannot be resolved to the mutual satisfaction of the Department Director and the Finance Department.