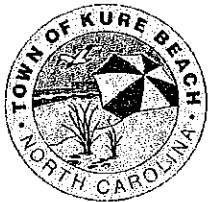


MINUTES



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 Vattrt, Commissioner

Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING

FEBRUARY 17, 2009 6:30 P.M.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Fire Department	Harold Heglar
Police Department	Dennis Cooper
Building Department	John Batson
Town Clerk	Kaysie Pralle

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

CALL TO ORDER

Mayor Montgomery called the meeting to order at 6:33 pm. Rev. Dr. Richard Graff of Kure Memorial Lutheran Church delivered the Invocation. Mayor Montgomery led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

- ❖ Recognition of Janet Foster for 18 years of service on the Planning & Zoning Commission.
 - ~ "A person that always tried to do what was best for her community." - Mayor Montgomery
 - ~ Mayor Montgomery presented Janet Foster with a certificate for her time and service on the Planning & Zoning Commission.

- * US Marine Corps Reserve Commanders Award for Outstanding Support of 2008 Toys for Tots - Thomas Russel
 - ~ Thomas Russel presented the Town with the Commanders Award for the 2008 Toys for Tots Program.
 - ~ Mr. Russel mentioned the Disabled Fishing Tournament coming up this June on the Kure Beach Pier.

PERSONS TO ADDRESS COUNCIL

(3 minutes- please sign in with the clerk before the meeting)

- * New Hanover County Human Relations Commission - Proclaiming February 2009 Human Relation's Month
 - ~ Mary Youngbluth, Kure Beach Representative, and Carl Byrd, Director, New Hanover Human Relations Commission
 - ~ Mr. Byrd introduced Mary's husband Terry. He acknowledged Mary's hard work and dedication for the Human Relations Committee.

- * Revenue Enhancement - Bob Segal, CPA
 - ~ President of Segal CPA's in Highpoint, NC. They can help the Town save money or make more money. He mentioned electric franchise tax. They found that 80% of the time there are errors in who lives where. They noticed the Town was very low in this area. They can review this for the Town and check for errors. They can go back and collect on the past three years of underpaid franchise taxes.

CONSENSUS - Bob Segal will work with Commissioner Vatr and the Town Administrator on this issue.

- * Lore Eccleston, Kure Beach Community Center
 - ~ On March 21, 2009 beginning at 5:30 pm, the Community Center will host the Annual Spirit Awards Banquet. The cost is \$16.00 per person and will be catered by Bon Appetite. They are also looking for nominations for the awards. Tickets are available at the Community Center and at Town Hall.

- * Jerry Hammill, Kure Beach business owner
 - ~ He is speaking on behalf of the majority of B-1 district business owners. He is looking for a loop hole in the 35' height bill passed by the legislation. Council can pass a resolution, including a referendum to increase the height limit in the B1 district. Senator Boseman can use this resolution to change this legislation.
 - ~ Commissioner Lambeth stated that he would consider the issue if 51% of the Town were in support of this.
 - ~ Mayor Montgomery questioned if there was a Motion to add this to the Agenda tonight. The issue died for lack of a Motion.

- ~ Commissioner Vatrtr mentioned that he will be discussing finances of the Town later in the meeting. He will be looking to recommend Council consider forming a new committee to look into the economic development committee for the Town.
- * Commissioner Dugan read a letter from Kure Beach Police Officer, Jason Cummings
 - ~ On Saturday, February 14, 2009 K9 Chess passed away. He joined the force in February 2003 as the first Kure Beach K9 Patrol.
- * Continued from Jerry Hammil's statements to Council - Commissioner Nelder mentioned that at the previous Council meeting he recommended that business owners attend P&Z meetings if they have concerns about the 35' height restriction. There has been a P&Z meeting since then and there were no business owners in attendance.

PRESENTATIONS TO COUNCIL

- * Pleasure Island Chamber of Commerce to present to Council annual request for funding Kure Beach events - Duke Hagestrom, Chair Emeritus
 - ~ Duke went through the requests and ideas in the letter submitted for this meeting.
 - ~ He is requesting getting the funding for these requests from the Room Occupancy Tax that was put in place by state legislation. They are requesting a total of \$15,000 from Kure Beach for these requests.
 - ~ Commissioner Nelder asked if the ROT funds specify what they can be used for?
 - ~ Commissioner Vatrtr pointed out that this park will not be finished this summer and we may have a problem getting events scheduled.
 - ~ Mayor Montgomery recommended Council meet with the Marketing Committee in a joint work session to discuss these issues.
 - ~ Commissioner Lambeth stated we are not in a position to offer the OFP for summer concerts at this time. However, he will fully support these events in the future.

APPROVAL OF CONSENT AGENDA

1. Building Department report: January 2009
2. Finance report: January 2009
3. Fire Department report: January 2009
4. Police Department report: January 2009
5. Email to join Dare County lawsuit.
6. Letter of termination for New Hanover County Inspection Agreement
7. Council minutes:
 - o 1/2/09 Special Meeting
 - o 1/20/09 Emergency Meeting
 - o 1/15/09 Workshop
 - o 2/2/09 Public Hearing
 - o 2/2/09 Public Hearing

- o 2/2/09 Regular Meeting

ACTION - Commissioner Vattrt MADE THE MOTION to amend the Consent Agenda to include the appointment of Peter Boulter as a regular member of the Board of Adjustments. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

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

ADOPTION OF THE AGENDA

ACTION - Commissioner Vattrt MADE THE MOTION to add to Old Business Item #5, the discussion of Closed Session Minutes and Item #6, Update on Atlantic Avenue. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

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

Mayor Montgomery called for recess at 7:45 pm.
Mayor Montgomery returned to open session at 8:00 pm.

OLD BUSINESS

1. Discussion and consideration of Public Hearing date for the following:
 1. Recommended Definitions
 2. Supplemental Regulation

ACTION - Commissioner Vattrt MADE THE MOTION to schedule a Public Hearing on Tuesday, March 17, 2009 at 5:30 pm, or soon thereafter, to hear public discussion and comment on the recommended definitions to the Kure Beach Ordinances and a supplemental regulation that deals with ocean front decking recommendations from the Planning & Zoning Commission. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Update on Insurance Lawsuit - James

Administrator James stated that per Council's direction last month, Kure Beach has requested to join the Dare County lawsuit which asks for a stay of implementation of insurance rates and reform of the insurance system. Mr. Outten said once he receives our request he then will pass it along to the lawyer. The lawyer will look for any

conflicts of interest. We have no word as of yet, but he will keep us updated. As of yet, the Town has made no monetary contribution to join this lawsuit.

Administrator James referred to a letter from Mr. Outten stating they have motioned for a review with the Insurance Commission and it was denied by an administrative law judge. They have appealed that ruling with the Superior Court. No date for the appeal has been set. Also right now there are two Bills in both Houses to stay rate increases on certain residential structures. This is still in progress.

Commissioner Lambeth gave an update on NC 20. He read from a handout that he put together for this meeting.

Mayor Montgomery read from letters received from two NC legislators in regards to the insurance issue. These letters will be available from the Town Clerk as they are received.

3. Update on Ocean Front Park – Dugan

Mayor Pro Tem Dugan announced Withers & Ravenel as the architectural firm chosen for the development of Ocean Front Park.

ACTION – Mayor Pro Tem Dugan **MADE THE MOTION** to schedule a Workshop on Monday, March 2, 2009 from 6:00-9:00 pm. The Workshop will gather the Town Council, the Ocean Front Park design firm, Withers & Ravenel, and the Ocean Front Park Committee for the purpose and goal of gathering public input to reach an agreement on Park concepts & placement of Park features. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Mayor Pro Tem Dugan addressed the issue of holding public events on the Ocean Front Park property before the Park's completion. These will be considered on a case by case basis.

CONSENSUS – Council would like the recommendations of Attorney Canoutas by the Workshop on March 2, 2009, for holding events in the Park in its current condition.

4. Discussion and consideration of funding requests.

ACTION – Commissioner Vatrtr **MADE THE MOTION** to award \$500.00 to each of the following funding requests: Katie B. Hines Center, The Help Center of Federal Point, and the Federal Point History Center. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

5. Update on release of Closed Session minutes – Dugan

Commissioner Dugan stated that recently he had gone through the Closed Session minutes with the Town Clerk. The minutes were submitted to the Town Attorney for review. Attorney Canoutas will submit to Council his recommendations of minutes to be made public. The Council will discuss and consider his recommendations and vote to release minutes by Consent Agenda.

ACTION - Mayor Pro Tem Dugan **MADE THE MOTION** to consider the Town Attorney's recommendations regarding Closed Session Minutes. Once minutes are agreed to be made public, they will be added to that month's Consent Agenda for Council's vote. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

6. Update on Atlantic Avenue - Batson

CAMA gave verbal approval of permit's. John asked if there were any modifications needed. They stated there were not at this time. He still requested written approval from CAMA, but has still not received it.

Commissioner Lambeth recommended cleaning up the plans and removing unwanted items from the plans.

ACTION - Commissioner Nelder **MADE THE MOTION** directing Building Inspector Batson to clean up the plans, prepare a final bid packet and advertise for bids. Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

NEW BUSINESS

1. Financial Overview - Vatrtr

Commissioner Vatrtr presented to Council slides outlining a financial overview of the Town in comparison with previous years and the surrounding area.

The slides presented by Commissioner Vatrtr are incorporated by reference and made a part of these minutes. (Four pages attached at the end of the minutes)

ACTION - Commissioner Vatrtr **MADE THE MOTION** to move forward with the contract with the NC School of Design. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION - Commissioner Vatrtr **MADE THE MOTION** to direct the Town Clerk to place a notice in the local paper for the Economic Development Committee. The notice is to encourage residents and business owners to volunteer on this committee. Names should be submitted no later than March 16, 2009. Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

2. Discussion of condos and duplexes

Administrator James is asking Council to refer this issue to the Planning & Zoning Commission.

ACTION - Commissioner Nelder MADE THE MOTION to refer Mr. Yoder's request to the Planning & Zoning Commission for resolution. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Personnel Handbook Amendments - James

- * Hardship Leave Pool
- * Travel Policy

ACTION - Commissioner Vattr MADE THE MOTION to accept the suggested changes to the Town's Personnel Policy. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

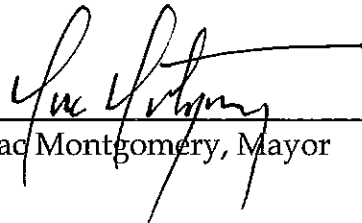
4. Discussion of Town Administrator's new role with the Finance Department - Vattr

ACTION - Commissioner Vattr MADE THE MOTION to increase the Town Administrator's annual salary by \$1,650.99 to account for the added responsibilities in the Finance Department. This increase effective January 1, 2009. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS 4 TO 1, with Commissioner Lambeth voting against.

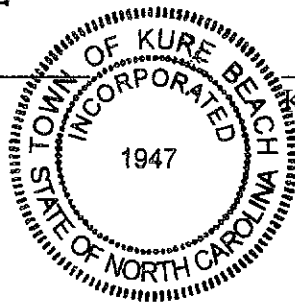
EXECUTIVE SESSION (If necessary)

ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 9:50 pm. Commissioner Vattr 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.

FINANCIAL OVERVIEW

Kure Beach fiscal year to date total revenues and total expenses are on budgeted plan.

- YTD County revenues are a minus -10%
 - »Ad Valorem taxes
 - »Business/license
 - »Sales tax

NEW HANOVER COUNTY

- ECONOMIC GROWTH
 - 1.5% yr 2008
 - 5.7% yr 2006
 - 9.8% yr 2004
- RETAIL SALES TAX COLLECTION
 - < 6.0% yr 2008
 - 7.0% yr 2006
 - 13.5% yr 2004
- DR HALL, UNCW ECONOMIC ANALYSIS

NEW HANOVER COUNTY

- ROOM OCCUPANCY TAX**
- < 1.0% yr 2008
 - 8.0% yr 2006
 - 9.5% yr 2004
- UNEMPLOYMENT RATE**
- 8.0% yr 2008
 - 4.5% yr 2004

DR HALL, UNCW ECONOMIC ANALYSIS

KURE BEACH

SHORT TERM REVENUE PROJECTION 2009/2011

DECLINES IN NEW HANOVER COUNTY RETAIL SALES TAX MAY RESULT IN LOWER SALES TAX REVENUE FOR FISCAL YEAR 2009/10.

A 2011 COUNTY PROPERTY EVALUATION MAY RESULT IN A DECREASE IN AD VALORUM TAX REVENUE.

A CONTINUED "SOFTNESS" IN BUSINESS DEVELOPMENT AND LICENSING MAY RESULT IN LOWER 2009/10 REVENUE POOL.

K.B. reference source: DR HALL, UNCW ECONOMIC ANALYSIS

KURE BEACH

PROJECTED OPERATIONAL EXPENSES

STAGNANT/DECLINING ROOM TAX INCOME WILL MAGNIFY PROJECTED OPERATIONAL AND G&A COST INCREASES.

OCEAN PARK
ACQUISITION COSTS
MAINTENANCE COSTS

GENERAL FUND ANNUAL INCREASES
G&A
Health Care

KURE BEACH FINANCIAL ANALYSIS

KURE BEACH

2009 ECONOMIC DEVELOPMENT PLAN

2005 TOWN SURVEY
2006 TOWN LAND USE PLAN
2008 CAPE FEAR BUREAU OF TOURISM
2009 CHAMBER OF COMMERCE MKT PLAN

KURE BEACH
ECONOMIC DEVELOPMENT

CENSUS

POPULATION HAS QUADRUPLED SINCE 1990. SUMMER TIME POPULATION EXCEEDS 10,000 RESIDENTS AND VISITORS.

TOWN STAFF AND OPERATING BUDGETS HAVE REMAINED VIRTUALLY UNCHANGED THROUGHOUT THIS POPULATION BOOM.

BUSINESS STAGNATION HAS RESULTED IN LOSS BUSINESS OPPORTUNITIES AND AMENITIES, TOWN REVENUES AND COMMUNITY DEVELOPMENT.

KURE BEACH SURVEY 2006/LAND USE PLAN 2006

KURE BEACH
ECONOMIC DEVELOPMENT

CENSUS

VISITORS ARE 50th TRAVELING WITHOUT CHILDREN. THEY HAVE MADE VACATION RESERVATIONS 3 MONTHS IN ADVANCE AND PLAN TO STAY 3 DAYS.

VISITORS, LIKE RESIDENTS, ARE LOOKING FOR CALM, QUIET, PEACEFUL, SAFE, RELAXING ATMOSPHERE. LIKE RESIDENTS, VISITORS ARE TRAVELING "OFF ISLAND" FOR PREFERRED DINING AND ENTERTAINMENT.

2008 CAPE FEAR BUREAU OF TOURISM

KURE BEACH
ECONOMIC DEVELOPMENT

KURE BEACH RESIDENTS WANT:

- INCREASED RESTAURANTS
- "NEW TOWN" LOOK
- IMPROVED SHOPPING, ENTERTAINMENT, AMENITIES
- ADDITIONAL PARKING, SOCIAL ACTIVITIES

KURE BEACH VISITORS WANT:

- BEACH ACCESS AND BOARDWALKS
- VARIETY IN DINING, SHOPPING AND ENTERTAINMENT
- ACCESS TO AQUARIUM AND STATE PARKS

2005 KURE BEACH SURVEY AND 2008 CAPE FEAR BUREAU OF TOURISM

**KURE BEACH
ECONOMIC DEVELOPMENT**

NEXT STEPS

**KURE BEACH
ECONOMIC DEVELOPMENT**

NORTH CAROLINA STATE SCHOOL OF DESIGN

- IN 2009 NCS SCHOOL OF DESIGN WILL DEVELOP A SERIES OF BUSINESS DISTRICT CONCEPT DRAWINGS.
- STUDENTS WILL INCLUDE DATA FROM: 2005 KB SURVEY, 2006 LAND USE PLAN, 2008 CAPE FEAR BUREAU OF TOURISM, 2009 TOWN COUNCIL AND RESIDENT INPUT COLLECTED BY THE OCEAN PARK DESIGN TEAM, WITHERS & RAVENAL.
- CONCEPT DRAWINGS WILL ASSIST TOWN COUNCIL:
 - EXPLORE FORM BASE OVERLAY DESIGN FOR B-1 ZONE.
 - STIMULATE DEVELOPER INTEREST.
 - PROVIDE REQUIRED CONCEPT DRAWINGS FOR 'OUTSIDE' FUNDING.
- TOWN FISCAL YEAR BUDGET IS \$25,000.
 - NCS SCHOOL OF DESIGN GCST IS \$15,000.

**KURE BEACH
ECONOMIC DEVELOPMENT**

MISSION

TO PRESENT A COMMITTEE SPONSORED BUSINESS DISTRICT PLAN FOR TOWN COUNCIL REVIEW AND ACTION. THE COMMITTEE WILL BE REPRESENTED BY RESIDENTS, TOWN STAFF AND REPRESENTATIVES OF LOCAL/AREA BUSINESSES.

Town of Kure Beach

Town Council

2/17/2009

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 Vatrt, Commissioner
Michelle James, Town Administrator ▪ Kaysie Pralle, Town Clerk

REGULAR MEETING

FEBRUARY 17, 2009 6:30 P.M.

CALL TO ORDER AND WELCOME – Mayor Montgomery

INVOCATION – Rev. Dr. Richard Graff, Kure Memorial Lutheran Church

PLEDGE OF ALLEGIANCE – Mayor Montgomery

RECOGNITION AND AWARDS

- * US Marine Corps Reserve Commanders Award for Outstanding Support of 2008 Toys for Tots – Thomas Russel

PERSONS TO ADDRESS COUNCIL

(3 minutes- please sign in with the clerk before the meeting)

- * New Hanover County Human Relations Commission – Proclaiming February 2009 Human Relation's Month
- * Revenue Enhancement – Bob Segal, CPA

PRESENTATIONS TO COUNCIL

- * Pleasure Island Chamber of Commerce to present to Council annual request for funding Kure Beach events – Duke Hagestrom, Chair Emeritus

APPROVAL OF CONSENT AGENDA

1. Building Department report: January 2009
2. Finance report: January 2009
3. Fire Department report: January 2009
4. Police Department report: January 2009
5. Email to join Dare County lawsuit.
6. Letter of termination for New Hanover County Inspection Agreement
7. Council minutes:
 - o 1/2/09 Special Meeting

- 1/20/09 Emergency Meeting
- 1/15/09 Workshop
- 2/2/09 Public Hearing
- 2/2/09 Public Hearing
- 2/2/09 Regular Meeting

ADOPTION OF THE AGENDA

OLD BUSINESS

1. Discussion and consideration of Public Hearing date for the following:
 1. Recommended Definitions
 2. Supplemental Regulation
2. Update on Insurance Lawsuit – James
3. Update on Ocean Front Park – Dugan
4. Discussion and consideration of funding requests.

NEW BUSINESS

1. Financial Overview – Vattr
2. Discussion of condos and duplexes
3. Personnel Handbook Amendments – James
 - * Hardship Leave Policy
 - * Travel Policy
4. Discussion of Town Administrator's new role with the Finance Department - Vattr

EXECUTIVE SESSION (If necessary)

ADJOURNMENT

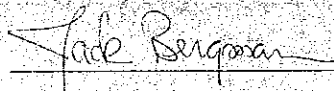
Recognition
And
Awards

United States Marine Corps Reserve

TOYS FOR TOTS

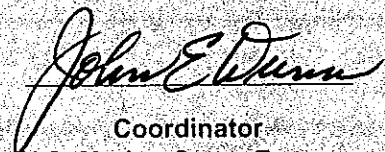
☆☆☆ Commander's Award ☆☆☆

The U.S. Marine Corps Reserve
is proud to recognize
Kure Beach Town Hall
for outstanding achievement in support
of the 2008 Toys for Tots Program.
These generous contributions have enabled us
to help fulfill the Christmas dreams of our
nation's neediest children.



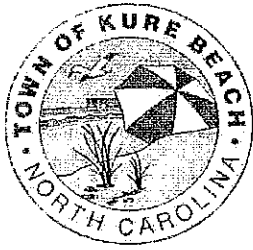
Jack Bergman
LtGen, USMCR
Commander
Marine Forces Reserve





Coordinator
U.S. Marine Corps Reserve
Toys for Tots Program

Persons to Address Council



PROCLAMATION

Proclaiming February 2009 Human Relations Month

WHEREAS, the New Hanover County Human Relations Commission, Greater Wilmington Chamber of Commerce, and the friends of Human Relations are sponsoring Human Relations Month;

WHEREAS, this is the 45th anniversary of the Human Relations Commission;

WHEREAS, the theme for Human Relations Month is:

“Diverse Cultures...One Family”

WHEREAS, we encourage all citizens to respect and work to establish equal rights for all persons regardless of race, color, sex, religion, age, disability, or financial status; and

WHEREAS, through practicing the principles of Human Relations Month on an every day basis, we help to preserve, protect, and perpetuate the rights of each person to freedom, liberty, and justice;

NOW, THEREFORE, the Town Council of the Town of Kure Beach does hereby proclaim the month of February 2009 as Human Relations Month in the Town of Kure Beach, North Carolina, and we call upon all citizens of Kure Beach to join forces in creating and practicing a mutual bond of fellowship with all citizens and resolve to accept a personal challenge to improve the status of all people through assurance of the basic human rights of justice, freedom, and dignity.

Adopted this 17th day of February, 2009.

Mac Montgomery, Mayor

Kaysie Pralle, Town Clerk

Presentations



CHAMBER OF COMMERCE

Carolina Beach, Kure Beach and Historic Fort Fisher

February 10, 2009

To: Mayor, Mayor Pro-Tem and Town Commissioners of Kure Beach
From: Pleasure Island Chamber of Commerce
Re: Request for Room Occupancy Tax Funds

The Pleasure Island Chamber of Commerce respectfully submits a request to the Town of Kure Beach to consider allocating ROT/activities funds in support of the following activities.

Summer of 2009

1. **Free Summer Concerts at Fort Fisher** – every year the Town of Kure Beach has been generous in supporting the Free Summer Concert Series. Last year we were able to increase the number of concerts to two a month in June, July and August. These bi-monthly concerts are well known, extremely successful and draw locals as well as visitors from all over!

Funds Requested - \$8,000 (this includes bands and sound)

2. **Kure Beach Ocean Front Park** – we would like to announce to “the world” that the Kure Beach Ocean Front Park is open for family fun! We would like to hold a different event on the third Saturday in June, July and August. The three events we are looking at now would include (a) an “oldie but goodie” movie with an occasional and pertinent guest speaker, (b) an outside drama performed by many of our local talents and (c) an ensemble ‘Pops’ or ‘symphony’ concert.

Funds Requested: \$4,000

3. **Event Marketing** – We are requesting funding to help support our efforts in reaching out to the public in advertising our island and events through marketing i.e. print, television commercials etc.

Funds Requested: \$3,000

The Town of Kure Beach is named as the fiduciary agent of a portion of the Room Occupancy Tax (ROT) funds to ensure that such expenditures are used for the purpose of promoting Kure Beach as a tourist destination. The Pleasure Island Chamber of Commerce respectfully submits a request to the Town of Kure Beach to consider providing ROT funds to support the great events and initiatives brought to the Town of Kure Beach by the Chamber.

We hope that the Town of Kure Beach agrees that the Chamber’s programs are a responsible investment of ROT/activities fund dollars.

Sincerely,
Events Committee
Pleasure Island Chamber of Commerce

Consent Agenda

Kure Beach Building Dept. Fees Received: 1/1/2009 - 1/31/2009

Type/PermitNo	Applicant	PayMethod	PayNotes	DateRecd	FeeRecd
Building					
5110	CULLER, ROGER W GAIL S	Check	N/A	1/7/2009	\$250.00
5111	SALKE, STEVEN A DONNA L	Check	N/A	1/7/2009	\$300.00
5112	BREZINSKI, DAMIEN A	Check	N/A	1/8/2009	\$200.00
Total Fees from : Building					\$750.00
Total Records: 3			Total Fees Recd:		\$750.00

Kure Beach Building Dept. -All Permits Issue Date: 1/1/2009 - 1/31/2009

PermittNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Descript	Final
Building								
New Construction								
5110	1/7/2009	CULLER, ROGER W GAIL S	CULLER, ROGER W GAIL S	705 ALABAMA AVE	\$27,000	\$250.00	New 16x16 Addition	
				Total New Construction 1	\$27,000	\$250.00		
Renovations								
5112	1/8/2009	BREZINSKI, DAMIEN A	BREZINSKI, DAMIEN A	286 SEAWATCH WAY	\$15,000	\$200.00	Laundry Room	
				Total Renovations 1	\$15,000	\$200.00		
Replacement								
5111	1/7/2009	SALKE, STEVEN A DONNA L	SALKE, STEVEN A DONNA L	1318 FORT FISHER BLV S	\$300	\$300.00	Replacement of windows	
				Total Replacement 1	\$300	\$300.00		
				Total Building 3	\$42,300	\$750.00		
				Total Permits: 3	\$42,300	\$750.00		

Town of Kure Beach
 FINANCIAL SUMMARY REPORT
 7 MONTHS ENDING 01/31/2009

ADDITIONAL PRIOR YEAR COMPARATIVE INFORMATION

GENERAL FUND

REVENUES	ACTUAL 11/08/2007	CURRENT BUDGET	ACTUAL 01/31/09	Y-T-D % COLLECTED
AD VALOREM TAXES	568,876	1,580,092	1,424,731	91.32%
MOTOR VEHICLE TAXES	11,134	28,180	20,911	74.21%
LOCAL OPTION SALES TAX	210,452	494,900	346,948	70.10%
NHC ABC REVENUES	1,588	15,424	8,843	57.34%
COMM. TOWER RENT	58,976	66,950	39,102	58.40%
FRANCHISE FEES & VIDEO TAX	23,760	105,710	74,738	70.04%
BUILDING PERMIT FEES	5,086	32,850	20,440	62.60%
GARBAGE & RECYCLING	58,976	126,000	67,003	51.94%
GF BALANCE APPROPRIATED	62,581	58,337	-	0.00%
ALL OTHER REVENUES	\$ 1,009,399	308,958	305,629	98.92%
		\$ 2,801,211	\$ 2,308,344	82.41%

WATER & SEWER FUND

REVENUES	ACTUAL 11/30/2007	CURRENT BUDGET	ACTUAL 01/31/2009	Y-T-D % COLLECTED
WATER & SEWER CHARGES COLLECTED	\$ 165,431	\$ 1,386,000	\$ 813,623	58.70%
WF APPROPRIATED FUND BALANCE	-	\$ 185,817	-	0.00%
OTHER WATER & SEWER REVENUE	\$ 10,522	\$ 67,500	\$ 66,078	97.89%
	\$ 666,953	\$ 1,649,317	\$ 879,701	53.34%

EXPENDITURES

EXPENDITURES	ACTUAL 01/31/2009	Y-T-D % SPENT
410 GOVERNING BODY	13,553	44.29%
411 TOWN CLERK	22,280	44.12%
415 FINANCE DEPARTMENT	21,112	27.93%
420 ADMINISTRATION	184,553	52.96%
421 COMMUNITY CENTER	4,900	36.09%
431 P&Z & BD OF ADJ EXPENSE	371	14.84%
446 EMERGENCY MANAGEMENT	2,500	37.78%
460 TAX COLLECTION	750	37.78%
470 LEGAL DEPARTMENT	27,900	13.527
510 POLICE DEPARTMENT	44,980	52.48%
530 FIRE DEPARTMENT	841,294	510.603
531 LIFE GUARDS	240,741	136.429
532 PARKS & RECREATION CLASSES	172,939	101.659
533 PROJECTS/REQUESTS	-	387
540 BUILDING INSPECTION/CODE ENFORCEMENT	10,000	4,800
550 STREETS & SANITATION DEPARTMENT	86,790	46,454
	793,128	434,833
	\$ 2,801,211	\$ 1,489,323

EXPENDITURES	ACTUAL 01/31/2009	Y-T-D % SPENT
WATER ADMINISTRATION & FINANCE	\$ 276,225	\$ 216,083
WATER DEPARTMENT OPERATIONS	\$ 1,373,092	\$ 921,857
	\$ 1,649,317	\$ 1,137,940

SPECIAL PROJECTS AND RESTRICTED FUNDS

EXPENDITURES	ACTUAL 01/31/2009	Y-T-D % SPENT
WATER/SEWER EXPANSION RESERVE FUND - REVENUES	\$ -	\$ 12,500
WATER/SEWER EXPANSION RESERVE FUND - EXPENSES	\$ -	\$ -
WATER/SEWER CAPITAL PROJECT - REVENUES	\$ -	\$ 52,382
SEWER REHAB PROJECT - EXPENSES	\$ -	\$ 63,881
	\$ 1,082,288	
	\$ 1,395,626	
	\$ 2,477,914	

FINANCIAL & OPERATING INFORMATION

SPECIAL PROJECTS AND RESTRICTED FUNDS

POWELL FUND - REVENUES	\$ 72,892	\$ 71,333	98.13%
POWELL FUND - EXPENSES	72,892	17,544	24.13%
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	\$ 88,221	35.12%
STORM WATER FUND - EXPENSES	251,220	59,480	23.68%
CAPITAL PROJECTS - REVENUES	\$ 1,011,716	\$ 4,912,839	485.59%
CAPITAL PROJECTS - EXPENSE TH/DF	1,011,716	5,953,609	598.81%

Checking

Certificates of Deposit

GRAND TOTAL

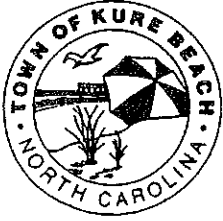
KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT JANUARY, 2009

DATE	PURPOSE
01/05/09	DRILL
01/07/09	FALSE ALARM
01/12/09	FIREFIGHTER I & II CLASS
01/19/09	FIREFIGHTER I & II CLASS
01/22/09	FALSE ALARM
01/23/09	FALSE ALARM
01/26/09	FIREFIGHTER I & II CLASS
01/30/09	FALSE ALARM

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 January 2009

Page 1	Activity Log Event 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

(01/01/2009 - 01/31/2009)

911 Hangup	1	Alarm Activation	1
Animal Complaint	3	Assist Citizen	2
Assist Other Agency - Medical	4	Breaking & Entering - No Report	1
Check Welfare	1	Domestic	1
Found Property / K-9	2	Information	4
Internal Information - LEO Only	2	Lost or Found Property	1
Noise Complaint	2	Open Door	1
Property Damage - No Report	1	Suspicious Person/Vehicle	1
Trespassing	1	Vandalism	2

Total Number Of Events: 31

Arrest Status/Disposition Totals by Offense

Kure Beach Police Department

(01/01/2009 - 01/31/2009)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0510 - Burglary - Forcible Entry	0	0	2	0	2	2	0	0	2	2
0640 - Larceny - From Motor Vehicle	0	0	2	0	2	0	2	0	2	2
1330 - Possessing/Concealing Stolen Property	0	0	1	1	0	0	1	0	1	1
1530 - Possessing/Concealing Weapons	0	0	1	1	0	0	1	0	1	1
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	2	2	0	0	2	1	1	2
2100 - DWI - Alcohol and/or Drugs	0	0	4	3	1	0	4	0	4	4
2410 - Disorderly Conduct	0	0	1	1	0	0	1	0	1	1
2690 - All Other Offenses	0	0	2	2	0	0	2	0	2	2
4010 - All Traffic (except DWI)	0	0	2	1	1	0	2	0	2	2
Totals:	0	0	17	11	6	2	15	1	16	17

Citation Totals by Charge

Kure Beach Police Department

(01/01/2009 - 01/31/2009)

Charge:	Number of Charges:
Speeding (Misdemeanor)	2
Speeding (Infraction)	1
DWI	3
Driving While License Revoked	1
No Insurance	2
Possess/Consume Alcohol - Passenger	1
Other (Misdemeanor)	2
Other (Infraction)	1
Other (2nd Charge - Misdemeanor)	5
Other (2nd Charge - Infraction)	1
Total:	19

Civil Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(01/01/2009 - 01/31/2009)

Type of Civil Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Other Notice	0	0	0	1	0
Subpoena	3	2	2	2	0
Totals:	3	2	2	3	0

Criminal Papers Summary Totals (by Paper Type)

Kure Beach Police Department

(01/01/2009 - 01/31/2009)

Type of Criminal Paper:	Total Served:	Total Returned:	Total Ret. to Clerk:	Total Issued:	Total Issued Outstanding:
Criminal Summons	5	1	3	3	2
Order For Arrest	1	9	3	2	0
Totals:	6	10	6	5	2

Incident Status/Disposition Totals (With Percentages) by Offense

Kure Beach Police Department

(01/01/2009 - 01/31/2009)

Primary Offense:	Total Reported:	Total Unfounded:	Actual Incidents:	% Unfounded:	Cleared Arrest:	Cleared Other:	% Cleared:	Active:	% Active:	Inactive:	% Inactive:
0510 - Burglary - Forcible Entry	1	0	1	0%	0	0	0%	1	100%	0	0%
0660 - Larceny - From Buildings	1	0	1	0%	0	1	100%	0	0%	0	0%
1150 - Fraud - Credit Card/Automated Teller Machine	1	0	1	0%	0	0	0%	1	100%	0	0%
2660 - Parole & Probation Violations	1	1	0	100%	0	0	0%	0	0%	0	0%
8011 - Runaway	1	0	1	0%	0	1	100%	0	0%	0	0%
Totals:	5	1	4	20.0%	0	2	50.0%	2	50.0%	0	0%

*Draft
Consent
agenda*

February 10, 2009

Jay Graham, Director
Inspections Department
230 Government Center Drive, Suite 110
Wilmington, NC 28403

Dear Jay:

The Kure Beach Town Council would like to terminate the Inspection Agreement between the Town of Kure Beach and New Hanover County. The agreement is entitled New Hanover Contract #07-0465. It became effective on May 21, 2007. It is enclosed for your review.

The Town entered into the agreement because our Code Enforcement Officer/Inspector was not credentialed in Commercial and Level II and III duties. At this time, John Batson is certified and feels confident in his abilities to inspect commercial buildings and perform Level II and III duties. Therefore, we respectfully request New Hanover County release us from the agreement and waive the termination requirements on Page 5, Section 7. Under Section 9, the agreement may be modified upon mutual agreement of both parties, provided modifications or amendments are written and signed by both parties.

Thank you for your department's assistance over the last year. We greatly appreciate the working relationship we have with your department as well as the entire county.

I look forward to hearing from you regarding the termination of the agreement and exercising the necessary paperwork to return these inspections to the Kure Beach Code Enforcement/Inspections Department.

Sincerely,

Michelle James
Town Administrator

Cc:
Town Council/Approval of Kure Beach Town Council, February 17, 2009
John Batson, Code Enforcement/Inspections

Enclosure

COPY

NEW HANOVER COUNTY CONTRACT # 07-0465

NORTH CAROLINA

NEW HANOVER COUNTY

INSPECTION AGREEMENT

THIS INSPECTION AGREEMENT, entered into this 21 day of MAY, 2007 by and between NEW HANOVER COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as "County", and the TOWN OF KURE BEACH, a municipal corporation of the State of North Carolina and County of New Hanover, hereinafter referred to as "Town";

WITNESSETH:

WHEREAS, the Town wishes to discontinue the Commercial and Level II and III duties and services now rendered by its Inspections Section and has requested the County, through its Inspections Department, to perform those inspection duties and responsibilities within the Town limits as mandated by N.C.G.S. 160-A412; and

WHEREAS, the County has agreed to perform such inspection duties and responsibilities, effective upon execution of the agreement, all pursuant to N.C.G.S. 160A-411 and 160A-461;

NOW, THEREFORE, in consideration of the mutual benefits inuring to the parties hereto, it is understood and agreed as follows:

1. Purpose of Agreement. The purpose of this agreement is to designate responsibilities between the Town and County in the County's provision of inspection services within the corporate limits of the Town pursuant to Part 5 of Article 19 of Chapter 160A of the North Carolina General Statutes. This agreement shall pertain only to Commercial and Level II and III construction, and shall not be applicable to other residential construction to be retained in a function of the Town.
2. Responsibilities of the County. For all Commercial and Level II and III construction, the County will assume the responsibilities and perform the

NEW HANOVER COUNTY CONTRACT # 07-0465
duties mandated by N.C.G.S. 160-A-412 within the Town limits, inclusive of
the following:

- A. The completion of inspection services for those building permits already issued by the Town.
- B. The receipt of applications for building permits, together with plans and specifications for such work, in accordance with N.C.G. S. 160-A-417.
- C. The receipt of certification of approval of compliance with Town ordinances from the Town prior to the issuance of a building permit for property located within the Town's jurisdiction
- D. The issuance or denial of said permits and furnishing to the Town of such notification, when available.
- E. The making of field inspections required in servicing those permits, pursuant to N.C.G.S. and pursuant to the Town's certification of approval, as applicable.
- F. The issuance or denial of Certificates of Compliance with the State Building Code, pursuant to N.C.G.S. 160A-423.
- G. The issuance of orders to correct violations, pursuant to N.C.G.S. 160A-425.
- H. The issuance of stop orders or the revocation of permits pursuant to N.C.G.S. 160A-421 and 422. When appropriate and after confirmation of the existence of a violation by the Town's Administration, such actions may be taken for violations of Town ordinances upon written request of Town.
- I. Cooperating with the Town in the prosecution of criminal or civil actions for violations of the North Carolina State Building Code and Town ordinances. It is the intent of the parties that the County, in its sole discretion, shall prosecute all actions relating to violations of the State Building Code, and the Town, in its sole discretion, shall prosecute all actions relating to violations of Town ordinances. The Town reserves the right to prosecute State Building Code violations in its own name should the County decline to prosecute.
- J. The notification to the Town, if changes in work authorized pursuant to N.C.G.S. 160A-419 may result in violation of any Town ordinances for which a certificate of approval has previously been given.

NEW HANOVER COUNTY CONTRACT # 07-0465

- K. The maintenance of records required under N.C.G.S. 160A-433.
- L. Any other lawful action attendant to enforcement of the North Carolina State Building Code, including Volume I (Building) pertaining to all Commercial Level II and Level III conditions.

3. Responsibilities of the Town. The town will assume the responsibilities and perform the duties necessary to assist the County in the performance of the above specified inspection services described above, inclusive of the following:

- A. The review of plans submitted in support of an application for a County building permit for structures within the Town in order to determine compliance with applicable Town ordinances.
- B. The issuance or denial of a certificate of approval for compliance with Town ordinances.

In addition to these responsibilities, the Town will endeavor to assist the County in enforcement of the State Building Code by notifying the County Inspections Department of any practices, facilities, or circumstances that, in the opinion of the Town Enforcement Officer, may constitute a violation of State Building Code.

- 4. Financing: Fees and Charges. Each party shall pay all necessary personnel, administrative, legal or other cost associated with the duties and responsibilities assumed and performed by such party under this agreement. All permit fees and charges collected by the County in performance of these inspection duties and responsibilities shall be retained by the County. The fees and charges within the Town limits shall be the same as those charged to persons in the County, outside the Town limits, and shall be based upon County approved fee schedules currently in effect or as hereafter amended.
- 5. Term of Agreement. This agreement shall become effective upon execution and shall remain in effect indefinitely, unless and until terminated as provided in Paragraph 7 herein.

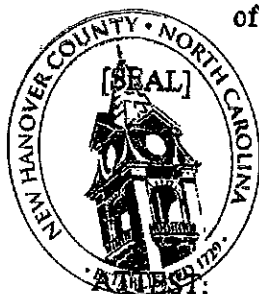
NEW HANOVER COUNTY CONTRACT # 07-0465

- 6. Personnel. County inspectors exercising the inspections responsibilities set forth in Paragraph 2 of this agreement within the Town limits shall have all the powers, duties and obligations that an inspector appointed by the Town, pursuant to N.C.G.S. 160A-411 would have.
- 7. Termination. This agreement may be terminated by either party upon one (1) year's written notice to the other party; provided that such termination of this agreement shall be effective on the last day of the fiscal year of the parties as established by N.C.G.S. 159-8, and the notice of termination must be given at least one (1) year prior to the effective date of termination.
- 8. Notice. All notices hereunder shall be in writing and shall be deemed to have been duly given if delivered, or mailed first class, postage prepaid, addressed as follows:
 - IF TO TOWN:
 - Timothy Fuller, Mayor
 - Town of Kure Beach
 - 117 Settlers Lane
 - Kure Beach, NC 28449
 - IF TO COUNTY:
 - Bruce Shell, County Manager
 - New Hanover County
 - 230 Government Center Drive - Suite # 195
 - Wilmington, NC 28403
- 9. Amendment of Agreement. This agreement may be amended or modified upon mutual agreement of the Board of County Commissioners of New Hanover County and the Town Council of the Town of Kure Beach, provided that any such amendment shall be reduced to writing and signed by the parties to this agreement.
- 10. Entire Agreement. This agreement constitutes the entire understanding of the parties.
- 11. Binding Effect. This lease shall be binding upon and inure to the benefits of all parties, their successors and assigns.
- 12. Continuing Obligation. The parties will make and execute all further instruments and documents required to carry out the purpose and intent of this agreement.

NEW HANOVER COUNTY CONTRACT # 07-0465

- 13. Reference. Use of the masculine herein includes the feminine and neuter; singular includes plural; and captions and headings are inserted for convenience of reference and do not define, describe, extend or limit the scope of intent of the agreement.
- 14. Interpretation. All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina. In the event of a conflict between the various terms and conditions contained herein or between these terms and other applicable provisions, then the more particular shall prevail over the general and the more stringent or higher standard shall prevail over the less stringent or lower standard.
- 15. Immunity Not Waived. This agreement is governmental in nature, for the benefit of the public, and is not intended to be for private profit or gain. Any fees charged in connection with the services hereunder are intended to reflect as closely as possible the County's actual cost, and neither party intends to waive its sovereign immunity by reason of this agreement.
- 16. Saving Clause. If any section, subsection, paragraph, sentence, clause, phrase or portion of this agreement is for any reason held invalid, unlawful, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed servable and such holding shall not affect the validity of the remaining portions hereof.

IN WITNESS WHEREOF, the parties have executed this lease in duplicate as of the day and year first above written.



Shelia L. Schutt
 Clerk to the Board

NEW HANOVER COUNTY

William A. Caster
 William A. Caster, Chairman
 Board of Commissioners

This instrument has been
 Pre-audited in the manner
 Required by the Local
 Government Budget and

Fiscal Control Act.

NEW HANOVER COUNTY CONTRACT # 07-0465
Approved as to Form

April M. Sander 5/30/07
County Finance Director

Kemp Pryor
County Attorney



TOWN OF KURE BEACH
By: Timothy Fuller
Timothy Fuller, Mayor

ATTEST:
[Signature]
Town Clerk

This instrument has been
Pre-audited in the manner
Required by the Local
Government Budget and
Fiscal Control Act.

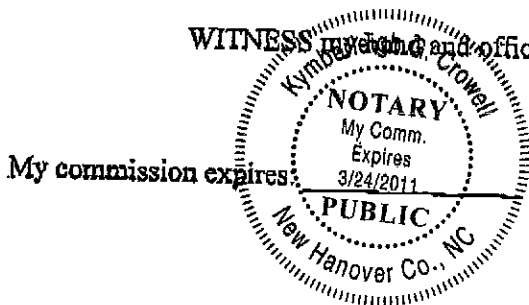
Approved as to Form

Susan H. Suggs
Town Finance Officer

[Signature]
Town Attorney

I, Kymberleigh G. Crowell, a Notary Public of the State and
County aforesaid, certify that Shelia S. Smit personally came before me this day and
acknowledged that she is Clerk to the District Board of Commissioners of New Hanover
County, and that by authority duly given and as the act of the District, the foregoing
instrument was signed in its name by its Chairman, sealed with its corporate seal and
attested by herself as its Clerk.

WITNESS my hand and official seal, this 4th day of June, 2007.



Kymberleigh G. Crowell
Notary Public

STATE OF North Carolina

~~CONFIDENTIAL~~

NEW HANOVER COUNTY CONTRACT # 07-0465

COUNTY OF New Hanover

I, Jennifer Watson, a Notary Public in and for the State and County aforesaid, certify that Nancy Aveni, personally came before me this day and acknowledged that (s)he is Town Clerk Kure Beach a North Carolina and that by authority duly given and as the act of the town, the foregoing instrument was signed in its name by its MAYOR Tim Fuller, sealed with its corporate seal and attested by him/herself as its Town Clerk.

WITNESS my hand and official seal, this 22nd day of May, 2007.

Jennifer Watson
Notary Public

My commission expires: 12/20/09

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

SPECIAL MEETING

JANUARY 2, 2009 3:00 PM

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
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.

Brian Cox, Town of Kure Beach engineer was in attendance.

The Kure Beach Town Council held a Special Meeting on Friday, January 2, 2009 at 3:00 pm for the purpose of interviewing design firm candidates Withers & Ravenel and LS3P for Ocean Front Park.

CALL TO ORDER

Mayor Montgomery called the meeting to order at 3:03 pm.

He explained that the meeting was originally advertised as a closed meeting, but it will be an open meeting. The second firm to be interviewed was informed that they may not sit in on the first interview. Administrator James completed and distributed a rating sheet for the Council to use to judge their answers to some prior approved questions.

Withers & Ravenel

Cindee Wolf & Bob Harnett were the representatives present from Withers & Ravenel.

Mayor Montgomery - Today we are going to get more information to make a decision. We will interview LS3P after this interview. We will use a scale that was designed by Administrator James to weigh the responses to questions from the Town.

Bob - Thanked the Council for having them back and they hope they get the chance to work with the Town.

Mayor Montgomery - Stated that Mayor Pro Tem Dugan will start questioning.

Mayor Pro Tem Dugan - What are your plans for getting a scope of work. Will it include meetings with citizens, committees, council?

Bob - The utilization committee played an important role up to this point and they would like to utilize the committee in the future for support. They will be the steering committee that guides them on where to go. Our role is consultant, but they are partners with the Town in this project. They want to help build a consensus with the committee that will get the ball rolling.

Mayor Pro Tem Dugan - What is a time frame for this?

Bob - Architect could not be here. He can create an image in a couple of weeks for the public to react to. It will most certainly require a variance because of the specifications. They forecast 6-8 months of conceptual planning. Within a month we would have a kick off. After they leave the meeting today, if chosen, they would go back and get the ball rolling. As for public input, that needs to be included in the first month of planning.

Cindee - The Town has had the public very involved up to this point. They would pull that information together and it allow them to put a concept together for the public to see.

Bob - Taking all the good work that has been done so far and work with that is their approach.

Commissioner Lambeth - Maintenance is a huge issue for the Town. Things such as metal roofs, painted surfaces, and shiny finishes that need maintenance are not what the Town is looking for. We do not want a maintenance hog. He questioned how many of Withers & Ravenels' projects went over budget?

Bob - The design fees will be fixed to avoid budget issues is possible. They do a lot of private and public municipal work. He believes that if it is not maintainable, it is not a good design. He is a LEED accredited builder.

Commissioner Vatrtr. - Describe your experience working with projects that are funded by federal grants.

Bob - They are working on two PARTF projects right now. The PARTF application that we will put together they will assist us on. They have done several projects with the Clean Water Management Trust Fund. Their firm is very comfortable with those type of projects

Commissioner Vatrtr - This project will have a personality of its own. How do you see playing on that aspect to help encourage funding from the public and other sources?

Bob - They will help with funding assistance. They also look for public sponsors. For example, with Nightdale Environmental Park, the land was donated. They did not have a lot of support and Withers & Ravenel helped them write a PARTF grant. It includes walking trails, pavilions, etc. There are going to be a lot of eyes on the park with it being in the middle of the Town. Withers & Ravenel will work closely with the Town to gather the good press that is necessary and vital for gathering public support on this project. They do not think any more than five public meetings will be necessary to accomplish the desired outcome. They suggest having at least two more to keep the public involved and informed.

Commissioner Nelder - We are in the process of a downtown redevelopment plan. What is your view to help enhance the downtown development? Parking is projected to be an issue. How can you help us capture funds? Do you recommend user fees?

Bob - How to bring money in? Issuing user fees for events to help with costs is commonly used. The Town could also pursue donor funding for events and make the Park accessible for private parties.

Commissioner Nelder - The Town does not currently have parking fees. However, he does not want residents to incur fees for the public using the Park.

Cindee - Although visitors are coming from out of town, keep in mind they are most likely coming to spend money in the Town.

Bob - You are a tourist destination. The park will be an attraction in itself. You need to be ready for all the people that will come to Town. You could also advertise "Adopt-a-park" to residents to help lower maintenance costs.

Mayor Montgomery - The Town is going after several funding agencies for funding assistance. Describe your standard process for fees.

Bob - We would be willing to work with you to get the schematic plan that starts the variance process. We would focus on the percentage that you need. Their firm would work with the Town to help in any way.

Mayor Montgomery - Have you ever worked with a contingency grant?

Bob - PARTF does allow architectural and engineering fees from the implementation side not from the land acquisition side. Withers & Ravenel, as a firm, and the principals in particular would be willing to work with the Town to help move forward with that process.

Mayor Montgomery - You are aware that any monies paid from the Town right now are up front and out of the pocket. Is your firm willing to work with us on this process?

Commissioner Lambeth - Questioned how much money would it take to get the ball rolling?

Bob - 15% of the total cost

Commissioner Vatr. - How much do you project the total cost to be?

Bob - Without all the details of the project, he estimates one to two million. He clarified this is an off the cuff number. It could be 1.1 to 1.5 million though. He stated that typically 10% of all construction costs are the fees for Engineer fees. 10% is where their firm would like to be. 12% is where they will most likely be.

Bob - How would staff be involved? At the end of the planning, they would work up a formal presentation to present to the public.

Commissioner Lambeth - Did other municipalities do work on their projects?

Bob - There was another town that had a strong public works group that did electrical work for a project.

Administrator James - The Town is looking at a conceptual and schematic plan. Schematic is actual construction plan. Conceptual is what we would present to public and investors. What is time frame for getting these plans?

Bob - Conceptual plans are a pretty picture of what we would like for the Park to look like. With a schematic we are looking at true details that lead to a final design. The time frame for a schematic design could be within a month so they can initiate the permitting. For full construction documents it would be approximately six to eight months.

Mayor Montgomery - If PARTF, Coastal Management, or Clean Water likes the concept they could preliminarily approve funding.

Bob - Creating the document for PARTF, the Town could use the concept that it has today if you didn't foresee a lot of changes, it would not be bad to use it as it is right now. If you take it one more step with a Consensus, that becomes what you submit to PARTF.

Mayor Pro Tem Dugan. - In the beginning, we were going to give you all the information from the Council and committee meetings for review, but we were looking for you to think outside the box for ideas for the Park.

Bob - He mentioned how they previously talked about Eco friendly materials for the Park. Materials such as pervious pavers, native vegetation, using local materials, recycled materials and potential for onsite water harvesting.

Mayor Montgomery - If you are selected for this project, could you help promote all you just explained to us?

Bob - Absolutely. They are getting good press as a firm.

Commissioner Vatr - He pointed out that he is looking for a payment schedule.

Bob - After much discussion between Commissioner Vatr and Bob, it was clarified that the first month's pricing would be 12% of the 12% of the total cost of the project.

Mayor Montgomery - Stated that the firm that will be chosen will be voted on by the Town Council. Both firms will be notified of the Council's decision as soon as possible.

LS3P

Chris Boney and Leanne Lawrance were the representatives present from LS3P. Donna Ray Mitchell was the representative present from Cone Jenest & Stone.

Mayor Montgomery explained that the meeting was originally advertised as a closed meeting, but it will be an open meeting. Administrator James completed and distributed a rating sheet for the Council to use to judge their answers to some prior approved questions. He also introduced Sonny Beeker and Brian Cox.

Mayor Montgomery - From LS3P's point of view, in the design process, at what point will you expect payments? And would you tell me the standard schedule of process?

Chris - Referenced the timeline in their handout. They would bill on a monthly basis. They would negotiate a lump sum fee. Judging from previous projects, they could estimate between \$35,000-\$60,000 to get the project off the ground. The Town would probably look to public consensus for where it wants to be. The Town would need a scope of work, a construction estimate and renderings & marketing materials. Where you get the scope of work depends on what you need. At this time they don't know what you need.

Commissioner Nelder - In reference to the \$35,000-\$60,000, what does that get us?

Chris - You would get a site plan, building plan, and one or two renderings. This would be something you could take to the public. You would have a package deal that would go into details.

Chris - There are three big mistakes that can be made in projects such as this. First of all is going against public opinion. Second is biting off more than you can chew. Third is due diligence.

Mayor Montgomery - How did you come up with the projected costs for the concept that you envision?

Chris - The schedule you have is how to get from point A to point B. If given the go ahead, they would start work on January 12, and have an open house on January 20th. They would cover the wall with images for public feedback. The following day they would meet with staff and committee members in the morning to get a consensus on what direction to follow. That afternoon they would speak with the public to get input. A week later they would have a Vision Verification Session to compare results and begin design work.

Commissioner Nelder - What problems if any do you anticipate with CAMA?

Chris - The CAMA line comes up about midway into the property line. We would need a CAMA minor permit.

Commissioner Nelder - Permeable surface area regulates a lot of this issue. You would need to design with that in mind.

Chris - The drawing shows permeable pavers. The boardwalk would allow water passage as well.

LeAnne - You are allowed a certain amount of square footage past the CAMA line for an opened, covered structure.

Mayor Montgomery - Do you have someone on staff that is familiar with Coastal Management rules?

Chris - Donna Ray is the person for this type of issue.

Commissioner Lambeth - The Town is looking for sustainable and low maintenance structures. The maintenance will fall on Public Works.

Mayor Montgomery - Clarified that LS3P designed Veteran's Park. He questioned what measures did they take for maintainability and sustainability in a park that is completely exposed like that one?

Chris - They did not use a lot of wood because will rot. Use masonry products when you can. There are a lot of good plastic products that will help with this issue.

Commissioner Nelder - We are in the process of a downtown redevelopment plan. Would you be able to incorporate business enhancements to help attract more businesses to our downtown to help pay some of our taxes?

Chris - We would love to be able to provide some creative ideas to help attract businesses to the downtown area.

Commissioner Nelder - How do you think we may be able to collect money from users so the burden will not fall on the citizens?

Chris - Short of paying a toll that is a tough thing to do. You could look into metering parking. You could look for sponsoring for a boat exhibit.

Mayor Montgomery - What role will LS3P play in attracting attention to the park?

Chris - We are not an advertising agency, but they could go out to local merchants to get advertising in the region. They have a marketing and graphics department that could assist in helping get the visual marketing of the park.

Commissioner Lambeth - When will you have your conceptual drawing ready to present?

Chris - Based on the proposed schedule, it could be done by January 27th. If you need something sooner we would work with you to get it.

Mayor Pro Tem Dugan - We have been gathering public input for about a year. How much more input do you feel is necessary?

Chris - You want to reach out to the public, but not bog it down too much. We might have an initial meeting with Council to gather parameters and then get with the public.

Commissioner Lambeth - We need to have something to present to the public.

Mayor Pro Tem Dugan. - The original outline was gathered from public meetings.

Sonny Beeker - Are we comfortable with what has been gathered in the committee meetings thus far?

Mayor Montgomery - At this point, he feels that we could develop a conceptual design based on what was determined at the committee meetings.

Commissioner Vatr - Clarified that the first 3 months will be the conceptual phase at an estimated cost of \$35,000-\$60,000. What will the second quarter entail? And how many quarters until we can say we are done with the planning stage and ready to move into the implementation phase?

Chris - He sees this project in three phases.

First phase - Conceptual phase which would include a parameter, lump sum and a scope of work.

Second phase - Fundraising phase to help with the cost of the Park.

Third phase - Full design phase which would include construction documents.

Commissioner Vatr - How long to complete design permitting?

Chris - We could be done with the design phase in three to four months. A lot of that will depend on site permitting. It will take six to eight weeks for DENR. CAMA permit will take approx six weeks.

Commissioner Vatrtr - At this point we would be done with the planning phase and moving forward with the implementation phase?

Chris - At that point you would have a building permit and we would release the project for bidding. LS3P can advertise for you and call local contractors to get the word out. They would allow about a month for the bidding. Contractor phase with the selected contractor should take around two to six weeks.

Commissioner Vatrtr - At this point we are talking eight to nine months until we start construction. If the project is 1.5 million, what is the design fee?

Chris - For this project they estimate their fee being in the 11-13% range.

Commissioner Nelder - Do you feel that we will be able to do the project with a CAMA minor permit?

Donna - She used to be a CAMA officer.

Commissioner Nelder - We know that you are not grant writers. You may be able to help us with finding grants to apply for.

Donna - It is really time consuming and takes research to find which grants apply to this project.

Commissioner Vatrtr - In your past projects, how much have you done to help municipalities get money?

Chris - We have not done this in the past, but we are willing to help.

Commissioner Vatrtr - Have you gone after sponsors to help raise money for projects such as this?

Chris - On previous projects we looked to several corporate sponsors for funding. He gave the example of a children's museum.

Mayor Montgomery - What is your evaluation of what we have done thus far?

Chris - You have done a good job so far. You want public input to have an idea of what direction you are going in.

Chris - If you want to go for a LEED certification, it is pricey. You can make it a green project though without the certification. The LEED application process is around \$50,000. He gave several concepts that the Town is currently looking to implement that would be considered green.

Commissioner Nelder - What advantage does green certification get us when looking for money?

Chris - The Wilmington Convention Center has just decided to get their LEED certification to attract outsiders looking to utilize a green convention center. You will be able to have a green project even if it is not certified.

Mayor Montgomery - Why is LS3P the best firm to do this project?

Chris - We care, we are local. We like to do projects with people in the area.

Mayor Pro Tem Dugan. - Do you feel that all the materials for the park can be purchased locally in the region?

Chris - I don't. We certainly want to. Some of the specialty items would probably not come from local sources, but general labor materials would most likely come from local merchants.

Mayor Montgomery - Could a park like this one actually be built for a million dollars?

Chris - They would give us a list of items within that budget, and ask the Council to choose from that list what they would like for the Park. We can do whatever you need us to do.

Mayor Montgomery - Who would be our primary point of contact for this project?

Chris - Confirmed it would be him.

Mayor Pro Tem Dugan - Although we are giving you ideas, we want new ideas that we may not have thought of.

Administrator James - Is there anything that you have thought about since the first interview?

Chris - He pointed out the additional lot at the back of their conceptual drawing.

Mayor Montgomery - Asked the firm if there was anything else they would like to say before their time expires.

Donna - Wanted to point out that they are half civil engineers and half landscape architects. They have the best of both worlds.

Mayor Montgomery - Stated that the Council will make their decision as soon as possible due to time constraints. He reminded everyone that the first grant application is due on February 2nd and we intend to go after multiple grants for this project.

Sonny - Pointed out that LS3P made the comment that this is a small project for their firm, but it is a large project for the Town. It will play a huge role in the Town for the next 30-40 years.

DISCUSSION

After the candidates left, the Council discussed their thoughts on each of the firms that interviewed today.

Commissioner Vatr and Commissioner Lambeth both stated their choice for the Town would be Withers & Ravenel.

Commissioner Nelder stated he was unsure of his choice at this time.

Commissioner Dugan stated that he feels that both could do a good job. There were additional aspects that he liked from LS3P. He pointed out that Withers & Ravenel never mentioned the cost for a LEED certification. He does feel that Withers & Ravenel is able to give more to the project than LS3P.

CONSENSUS - The Council will vote at the January 8th meeting and award the contract to one of the firms interviewed today.

ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 5:30 pm. Commissioner Lambeth seconded the motion. THE 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

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

EMERGENCY MEETING
JANUARY 20, 2009 1:45 PM

COUNCIL MEMBERS PRESENT:

Mayor
Mayor Pro Tem
Commissioner
Commissioner
Commissioner

Mac Montgomery
Jim Dugan
Dean Lambeth
Barry Nelder
Jim Vatrtr

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator Michelle James

ALSO PRESENT:

Officer Andy Everhart, Kure Beach Police Department
Jerry Hammill, Representing Kure Beach Businesses

CALL TO ORDER

An Emergency Meeting of the Kure Beach Town Council was called to order by Mayor Mac Montgomery at 1:45 pm on Tuesday, January 20, 2009. The meeting occurred in the council chambers of the Kure Beach Town Hall. Prior to the meeting, the Island Gazette was notified. Notifying the local newspaper complies with the NC Open Records Law notification requirements for holding emergency meetings.

Mayor Montgomery asked Michelle James, Town Administrator, to take minutes in the absence of the Town Clerk.

Mayor Montgomery explained that he called the Emergency Meeting after the weather began deteriorating earlier in the day. The purpose of this meeting is to decide whether or not to hold the regular council meeting at 6:30 pm and the public hearings already scheduled for 5:00 pm and 6:00 pm tonight.

Mayor Montgomery asked Officer Everhart for an update on the condition of the roads. Officer Everhart said the temperature was steadily dropping and any

moisture on the roads would begin to freeze at nightfall. The outside temperature was 28 degrees. Salting of the Snow's Cut Bridge is slated for some time today. The NC Department of Transportation was unable to give a time as to when their crews would accomplish this task. Officer Everhart agreed the bridges would be given priority by their transportation crews.

Mayor Montgomery announced New Hanover County and the City of Wilmington were closing at 2:00 pm. Carolina Beach government offices and facilities were closing at 3:00 pm. Carolina Beach is also canceling its board of adjustment meeting which was originally scheduled for 6:00 pm this evening.

Mayor Montgomery conveyed he was concerned about holding tonight's meeting when the condition of the roads was expected to worsen. He was also concerned about the businesses which organized their efforts to attend the public hearing on the proposed sign ordinance tonight. He introduced Kure Beach business owner and resident, Jerry Hammill. Mayor Montgomery invited Mr. Hammill to speak at the emergency meeting on behalf of Kure Beach businesses.

Mr. Hammill said the businesses had people lined up to speak tonight at the public hearing, including their attorney, who was identified as Attorney Dan Bell of Kure Beach. He asked Council to hold the public hearing unless they thought the roads would be unsafe to travel. If there is no meeting tonight, he asked for Council to hold the public hearing on the sign ordinance as soon as possible.

ACTION - Commissioner Barry Nelder **MADE THE MOTION** to cancel the regular council meeting. Commissioner Jim Dugan seconded the motion.

DISCUSSION

- Commissioner Lambeth said he thought the notion of canceling a meeting during regular January-type weather was ridiculous.
- Commissioner Dugan said he was in favor of canceling the meeting on behalf of residents who wanted to speak at the public hearing, but may be concerned about traveling to the meeting. "They would be upset if they couldn't get here."
- Commissioner Vatr suggested that the meeting is for the public. "We shouldn't have the meeting if people cannot get here safely."

THE MOTION PASSED WITH A VOTE OF FOUR TO ONE with Commissioner Lambeth voting against canceling the meeting.

ACTION - Commissioner Nelder **MADE THE MOTION** to reschedule the meeting for Monday, February 2 at 6:30 pm. Commissioner Dugan seconded the

motion. THE MOTION PASSED WITH A VOTE OF FOUR TO ONE with Commissioner Lambeth voting in opposition.

Mayor Montgomery asked if the Council wanted to cancel the public hearings originally scheduled for tonight. It was proposed to cancel the public hearings and reschedule them on Monday, February 2, 2009 beginning at 5:00 pm, as long as Mr. Bell, attorney for the businesses, could attend the meeting. Jerry Hammill called Mr. Bell and confirmed that he could attend the meeting on February 2 at 5:00 pm.

ACTION - Commissioner Nelder MADE THE MOTION to cancel the public hearings and reschedule them for Monday, February 2 beginning at 5:00 pm. Commissioner Dugan seconded the motion. THE MOTION PASSED WITH A VOTE OF FOUR TO ONE with Commissioner Lambeth voting in opposition.

ADJOURNMENT

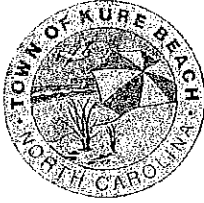
ACTION - Commissioner Vatrtr MADE THE MOTION to adjourn the meeting at 2:15 pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

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
Jim Mayor Pro Tem Dugan, Mayor Pro Tem
Commissioner Lambeth Lambeth, Commissioner
Barry Commissioner Nelder, Commissioner
Jim Commissioner Vatr, Commissioner
Michelle Administrator James, Town Administrator ▪ Kaysie Pralle, Town Clerk

PUBLIC WORKSHOP

JANUARY 15, 2009 2:00 P.M.

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
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 15, 2009 at 2:00 pm for the purpose of having a joint discussion with Council, committee chair's, and staff regarding the roles of committees and the roles of Council and Staff within the committees. Council, committee chairs, and staff feel the goal of this meeting should be for each committee to have a clear mission, guideline and goal for the 2009-2010 fiscal year.

Commissioner Vatr and Chris May, Cape Fear Council of Governments will co-moderate this meeting.

CALL TO ORDER

Mayor Montgomery called the meeting to order at 2:01 pm.

Commissioner Vatrt - Handed out a draft version of the updated Policy & Procedures for committees to meeting attendees. He started by thanking the committees for all they do. They make Kure Beach a "better place to live." He stated that Council needs to do a better job in communicating our consensus of opinion.

I. Mayor Pro Tem Dugan - Review of committee procedures

Commissioner Vatrt explained that recently he & Mayor Pro Tem Dugan revised the Policy & Procedures for committees.

Mayor Pro Tem Dugan - He explained that they wanted to simplify the Policy & Procedures. He began at the first item listed on the Policy & Procedures that states anyone can serve as long as you are a resident and do not owe money to the Town.

Commissioner Nedler - Pointed out that in an earlier discussion with Commissioner Lambeth, he wanted the Policy & Procedures to state you must be a Town property owner, not just a resident.

Mayor Montgomery - Disagrees with that policy recommendation. He explained that we have property owners that are not residents, yet they are able to serve. The resident, whether they own property or not, lives here, pays taxes, utilizes Town resources. Why should we limit their ability to serve?

CONSENSUS - Commissioner Vatrt clarified that the policy will now state "Any resident and/or property owner of Kure Beach is eligible to serve on appointed committees."

Mayor Pro Tem Dugan - Discussed attendance of committee members. If a member is asked to leave due to absences, a replacement should be recommended.

Commissioner Vatrt - The committee has the authority to have as many or few members as it deems necessary to accomplish its goals. It can bring on temporary members to assist with this as well.

Gabby Kraus, Parks & Rec. - Do committees have the authority to hire an intern?

Commissioner Vatrt - If you need an intern, and it requires funding, you can come to the Council at any point to request they revisit the budget cycle to accomplish this request. Council may or may not approve the request due to budget limitations.

Commissioner Vatr - Committees should leave today and determine budget requirements and estimates for 2009-2010 fiscal year. At a later meeting, Council will hear committee requests and determine what projects could be budgeted for that year.

Mayor Pro Tem Dugan - Continued through the Policies & Procedures for committees. On section H, Item 1, there was a recommended change of service term, from one year to three years.

Sandy Cox, Citizens Beach Protection Chair - What do we do if a Chair steps down, and there is no person willing to replace them?

Commissioner Vatr - Council discussed having the liaison step in as Chair until a replacement can be found.

Sandy - Can committee liaison take suggestion from committee to Council for consideration?

Mayor Pro Tem Dugan - Liaison cannot determine what projects committees should pursue. Three or more Council members (quorum) cannot gather to discuss any Town business outside of a public meeting based on Open Meetings Laws.

Mayor Montgomery - Liaison can speak up at Council meeting when you present project or suggestion before Council.

Gilbert Alphin, ADA Chair - Questioned if when traveling to committee meetings, should a committee member get into an accident, are they covered under the Town's liability insurance?

Chris May, Cape Fear Council of Government - Council should discuss this with the Town Attorney.

Mayor Montgomery - What if Council directs member to attend a meeting?

Commissioner Vatr - Council directed Town Administrator to look into this further and return to Council with her findings.

II. Administrator James - Review of committee types & requirements

The required committees by Town Ordinance are as follows: Board of Adjustments, Planning & Zoning Commission, Parks & Recreation, and the Community Center.

By definition, ad hoc committees are usually appointed for a special purpose. They dissolve upon completion of task and have a beginning, middle and end.

Administrator James - They have secretary, regular meeting times, schedule of events, and a support staff member. She went through the Open Meeting Laws for committees and boards. Committees need to notify Town Clerk if a regularly scheduled meeting time changes.

Mayor Montgomery - Can committee hold any meeting at public residence instead of on Town property?

Administrator James - As long as it meets notice requirements and is open to the public.

Chris May - Establish your rules of procedure as a body. If you want to change the procedures, you must achieve the majority vote.

Sandy Cox - Is there any rule that limits how many committees a resident can serve on?

Chris May- You cannot hold more than two appointed positions.

Commissioner Vatr - Discussed several different situations regarding committees listed below.

What is role of the Councilmen at committee meetings? Council has established that we are serving in an advisory position.

Should committees have a beginning, middle and an end? He gave the example of the Ocean Front Park Utilization Committee.

The budget process for committees is discussed annually by Council. February or early March, committees should return to Council with estimated annual budget needs. Council will then determine what projects or needs will be budgeted for the following fiscal year.

Mayor Montgomery - Suggested committees approach outside resources that can help find funding sources for projects, such as the Council of Governments. Committees could then approach Council with their funding request along with the sources of outside funding to help Council to better understand the funding stream and to better "sell" your project idea.

Administrator James - Suggested committees consult with her, Commissioner Vatrtr, or department heads who can offer technical assistance with funding needs. We are also good resources for the committees.

Mayor Montgomery - Committees can call any state or federal agency to inquire about project funding without Council's prior approval. Once you have your project proposal together, you can then approach Council with your request.

Mayor Pro Tem Dugan - Pointed out that committees cannot contact the Town Attorney. They must contact Council for approval to contact Attorney.

Commissioner Vatrtr - Stated committees are advisory boards to the Council. Do research to approach and advise Council on a particular project.

- III. Commissioner Vatrtr - Pointed out that there are several committees that need no discussion today. Those include Board of Adjustments, Planning & Zoning, Parks & Recreation, and Community Center because they are required by Town Ordinance. However, there are several others that either have a permanent purpose for the Town, or will end once their purpose is achieved. Those include Annual Street Festival, Ocean Front Park, Emergency Management, Hurricane Damage Assessment, and Marketing.

Parks & Recreation

Initiatives: 5k Walk
Sandman
Pump Track (Bike track)
Bocce Ball
Continuing with recreation events & activities

Commissioner Vatrtr - Parks & Recreation and Beautification have a similar purpose with some small differences.

Chris May - In Blowing Rock, NC their Parks & Recreation and Beautification were forced to work on similar projects. There were sub-committees under the Parks & Recreation Committee.

Commissioner Vatrtr - They have three entities under one umbrella: Public Works, Beautification of Grounds, and Activities. He suggested having Kure Beach P&R and Beautification combine into one.

Ken Withrow, Beautification Chair - Likes it the way it is being small and easy to work with.

Bob Fitzsimons, Parks & Rec. Chair – Agreed that the two can work together, but likes the fact they can keep their focus separate on projects.

Mayor Montgomery – Pointed out there is no staff counterpart for the activities side, but on the other side, plants & grounds, there is a staff counterpart. Public Works assists with Beautification and not Parks & Rec.

Bob Fitzsimons – Went through the Parks & Recreation Advisory Committee Report for the next fiscal year.

Commissioner Vatr – Commented that all these are all activities, with the exception of Sandman. His point is if Parks & Rec. is going to focus on activities, grounds issues are included in these projects.

Commissioner Vatr – Suggested having a Co-Chair that focused on activities and a Co-Chair that focused on beautification of grounds under the umbrella of one committee.

Gilbert Alphin – Gave an example of if someone were to request a public pool, who would they approach?

Commissioner Vatr – They would address Parks & Rec.

Beautification

Initiatives: Atlantic Avenue
Standardizing sign design

Mayor Montgomery – Are we asking a committee to do what staff should be doing? For example, there was a person contracted to maintain Town Hall by a committee. Once Council approved the committee's request, a staff member should be in charge of that contract.

Commissioner Nelder – Mentioned finding funding resources for these projects so the financial burden will not fall on the property owners.

Ken Withrow – Beautification considered dropping any projects that would require maintenance.

Gabby Kraus – The life of a project depends on who pays the bill. Council is responsible for the issuance of any project, therefore they have the authority to cancel contract.

Commissioner Vatr - At next meeting, Beautification and Parks & Rec. will discuss combining their committees. They will discuss long term project responsibility and/or maintenance.

Citizens Beach Protection

Initiatives: Education
Beach Cleanup
Dune/Beach Protection
Signage

Sandy Cox - Does not think turtles should be under her committees' responsibilities.

Commissioner Vatr - Mission is to protect the beach and educate the public. Turtle program should be linked to the staff, and not a committee.

Mayor Montgomery - The Town is contracted by the Pleasure Island Sea Turtle Program.

SLAP

Initiatives: Parking in Kure Beach
Bathrooms
Solar Lighting
Walkway on J Avenue
Ocean Front

Tony Gonzalves, SLAP Chair - For the next year, the priority is parking issues in Kure Beach. They have been offered a free parking study, but first they need a scope of work (master plan) for this project. The Wilmington MPO will not go ahead until they have this scope.

Mayor Montgomery - Wilmington MPO will conduct a free parking survey for Kure Beach.

Mayor Montgomery - Council did ask SLAP to look into parking issues of Kure Beach. The committee went to the Wilmington MPO and requested a parking study. The MPO will come in the spring, but they need a scope of work from the Town first.

Administrator James - Clarified that she went before Council after meeting with the Wilmington MPO. The MPO stated they could do the study free of charge. She brought it before Council and Council referred it to SLAP. SLAP had a meeting with MPO. She was aware they needed a scope of work. She had a meeting with Tony and Jim from SLAP. They developed a very large scope of

work they had been working on for several years which is currently in her office. Council and SLAP have different ideas for the scope of work needed. Shouldn't Council determine the scope of work with SLAP, or should this project be a staff project or a committee project?

Commissioner Vatrtr - Is study about parking issues now, or for future parking issues?

Tony Gonsalves- It is for future issues.

Commissioner Vatrtr - Suggested making sure the Council is aware of the full scope of work for these projects.

Mayor Pro Tem Dugan - In the last survey, they determined there were not enough spaces to earn a profit.

Administrator James - This has been an issue she and Tony have been dealing with for some time now. She suggests Council and SLAP have a future meeting to decide how to move forward with this.

Mayor Montgomery - Does Town need additional parking other than on July 4th?

Commissioner Nelder - When Ocean Front Park is completed, this will pose a parking issue for the Town.

Tony listed the initiatives for the SLAP committee.

Commissioner Vatrtr - Questioned if SLAP had prior approval from Council to do these projects?

Tony Gonsalves- Stated that they do not as of yet.

Commissioner Vatrtr - Suggested Tony get a cost of these projects for future meeting with Council for budget consideration.

Stormwater

Initiatives: Public Education
Ocean outfalls
Cutter court
Town drainage

Mayor Montgomery - DOT has agreed to fund two outfalls this year. In the future it will depend on how much money DOT has. The director of the Clean Water Management Trust Fund has indicated they would pay for replacing some

of them, but there is a cost match on behalf of the Town. Eventually it will have to be done. DOT created the problem and has taken some of the initiative to solve it. However, in the long run it rests on the Town to solve it.

Commissioner Vatr - Is this technical study better accomplished by staff that are certified to do this?

Mayor Montgomery - The responsibility of Stormwater falls on the Council and the Stormwater Manager. Funding additional staff is also an issue.

ADA

Commissioner Vatr - Explained that ADA is mandated and therefore does not need to include their initiatives in this meeting.

Gilbert Alphin explained how the ADA has worked on several issues in the Town including how uneven Fort Fisher Blvd. is, speed humps instead of speed bumps for ADA access, and motorized ADA wheelchair for beach access.

CONCLUSION

Commissioner Vatr - There is a need for each Chair to return to their committee with the issues discussed today and rethink initiatives to develop a cost for them. There will be a calendar within the next week for upcoming meetings with Council and committees.

Mayor Montgomery - At what point does the Council communicate to the committees that their initiatives are either a good idea worth pursuing or not. Bob presented many ideas, and we are not sure if Council is supportive of any of them. At what point do we give them the go ahead.

Sandy Cox - Agrees with Mayor Montgomery in saying that the committees need to know what projects Council will even consider before going ahead with costing out the projects which take a considerable amount of time.

Mayor Montgomery - Proposes having committees return to the next meeting with a list of projects they would like Council to consider. Once the Council approves certain projects, the committees can then cost out the projects for budget consideration.

ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 4:55 pm. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Montgomery Montgomery, Mayor

Kaysie Pralle, Town Clerk

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MINUTES



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117 Settlers Lane ▪ Kure Beach, NC 28449

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

PUBLIC HEARING

FEBRUARY 2, 2009 5:00 P.M.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Building Inspector	John Batson
BOA and P&Z Clerk	Aimee Zimmerman

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 Hearing on Monday, February 2, 2009 at 5:00 pm for the purpose of discussion of the proposed sign ordinance as proposed by Kure Beach Planning and Zoning Commission.

CALL TO ORDER

Mayor Montgomery called the Public Hearing to order at 5:02 pm.

Mayor Montgomery advised that this matter is also on the Town Council Agenda for this evening.

Commissioner Lambeth took a moment to recognize former Town Council member Jerry Pilcher, who was in the audience.

PERSONS TO ADDRESS COUNCIL

Tom Humphrey addresses council.

- He is an owner of property in the B-1.

- He felt the proposed sign ordinance would work well for a gated community; however, Kure Beach is not a gated community.
- According to the proposed ordinance, all of his business signs would be illegal.
- He feels the eight foot height limit will become a safety issue.
- The proposed ordinance is not applicable to the downtown district.
- Town Council certainly cannot ask a business to spend more money during these tough economic times to bring signs into compliance.
- He felt this Ordinance was originally supposed to help the business in the downtown district but clearly it does not.
- He recommended that Council disregard the draft ordinance.

Commissioner Lambeth asked when the last time was Mr. Humphrey replaced his signs. Mr. Humphrey responded that he has changed the faceplate and the electronics only. Otherwise the sign has been there for more than 20 years. To clarify, Commission Lambeth inquired whether any up fit or renovations had ever been done. Mr. Humphrey responded in the negative.

Attorney Dan Bell addresses council.

- Mr. Bell stated he represents Jerry Hammill, Kure Beach Properties and Robertson Enterprises.
- These gentlemen own and operate a majority of the properties in the B-1 and have been a tap root of Kure Beach.
- Stated four points regarding the proposed sign ordinance.
 - The Ordinance is bad for the business community;
 - The ordinance is oppressive to the spirit of Kure Beach;
 - The Ordinance would make it expensive if not impossible for the Code Enforcement Officer to enforce; and
 - The Ordinance is probably unconstitutional.
- Since there is no real prospect for new businesses to come into Kure Beach, the costs would fall on the existing businesses and could certainly cause some of them to go out of business.
- If a new business were to come into Kure Beach, they might be frightened off by this ordinance. It is difficult to understand and is open to multiple interpretations.
- This is something that perhaps the Town might need in the future but, for now, the current ordinance is sufficient.
- There are 25 prohibited items in the proposed ordinance:
 - Ordinance prohibits flying more than one flag of the current government. Therefore, a person would be unable to fly a United States flag along with the North Carolina State flag.
 - Restriction #8 prohibits flying balloons and flyers, etc.

- No window signs are allowed. What about restaurants who post their menus in the windows?
- No pricing signs are allowed. This will include realtor signs and not just restaurants with specials.
- Painted signs are prohibited. Therefore, Jerry Bigley will have to cover his pizza sign on the side of the building.
- # 17 prohibits notices, placards, etc? What if son comes home from Iraq, would he be prohibited from putting out a welcome sign?
- Mike Robertson makes his lot available for posting of signs for the Town. i.e. handicapped fishing tourney, etc. Under this ordinance, those would all be illegal.
- Perhaps subdivision signs will need to be reviewed as well.
- There was a case in Ladue Missouri where a woman posted a sign opposing the war in her yard. This was fought in the Courts for four (4) years. The outcome was that the Supreme Court rules that Ladue was wrong.
- Those signs demonstrate who these businesses are. The business community does not want the ordinance.
- Urged council not to pass the ordinance at this time but to wait until it is good for the community.

Commissioner Lambeth asked Mike Robertson, Kure Beach business owner how long he has had his sign at the pier; asked why it was so high and whether there had been any up fit or renovations in the past seven years. Mr. Robertson stated the front was replaced after a storm a few years ago.

Commissioner Nelder stated that the Planning Commission had called one workshop on the Sign Ordinance and did not receive a huge response.

Commissioner Vatr asked if signs are considered to be part of a company's logo or branded image. Is it something that people look for that will bring them back year after year? Mr. Robertson stated his sign design was not his motif.

Anne Brodsky, owner of Palm Air Cottages, stated that her sign is her identity and that her sign is entirely new, having been replaced at a cost of approximately \$14,000. She feels that there are certain aspects of the ordinances that choke the businesses. As to the prohibition on banners, her business is a popular spot to hang banners for upcoming community events.

Jerry Pilcher, past Council member, addressed Council:

- When he retired, he sold his motel, Southwind, which he has now repurchased.

- His business has a message board which he would like to utilize to advertize his reopening and to show price specials.
- These signs were there when he initially purchased the property.
- Should this ordinance pass, all signs will be non-conforming in his eyes.
- Asked if something new came into Town, would their signs be limited to 35 square feet? He believed that is too small.
- Section 19-391(d) states that off-site advertising signs together with all other signs will lose their nonconforming designation five years after notification. Is it the intent of Council to order owners to amortize these signs and remove them?

Ronnie Pernell, Kure Beach property owner, addressed Council.

- He asked for clarification of Commissioner Nelder's statement regarding ambiance.
- He questioned the intent of the Ordinance.
- He is concerned about the flag provision. The biggest question is the generality of the ordinance.
- He questioned the provision on neon signs. Does that mean he can't put up a "Vacancy" sign?
- He questioned magnetic signs on vehicles. Those signs help owner's get a tax deduction.
- He stated that the owners need specifics.

Commissioner Vatr asked about Mr. Pernell's signs and how important those signs are to his hotel. Mr. Pernell stated that he lost a sign in a storm but replaced it with a smaller one. He further stated that people have stopped there asking that he keep the sign as it is. That sign is a throwback to the 60's and he has had three different movies filmed at his hotel because of that sign.

Commissioner Lambeth asked how long he has operated his hotel. Mr. Pernell stated he has been in business since 1972, and has paid taxes that entire time.

Mayor Montgomery asked Craig Galbriath, Planning and Zoning Member, to come before Council for questioning.

- Q: During Planning and Zoning meetings, how many public input sessions were there during the development stage?
A: There was one major input session with 5-6 people appearing from the business community. P&Z looked at concerns and tried to incorporate those into the draft ordinance. Jim Schutta, Chairman of P&Z, stated the board tried to address every issue.
- Mayor Montgomery stated that he had heard comments and that the feeling is that people have been left out of the process. He wanted to

make sure all concerns have been heard. He stated all business owners in the B-1 district were present tonight, with the exception of Big Daddy's.

- Mr. Galbraith stated that P&Z was tasked with this issue in April of 2008 and it was addressed at each P&Z meeting.
- Mr. Galbraith stated that P&Z wants the area to be attractive in order to get people to come visit. He stated the Federal Reserve just did a study and attractiveness of a Town was most important to the tourists. He further stated that P&Z looked at more than 200 other sign ordinances. They also tried to make this ordinance conform to local zoning and attempted to close any loopholes.
- Mr. Schutta clarified that provision in the draft ordinance pertaining to allowing only one flag was removed. At this point it became apparent that the audience members did not have the most recent version.
- Commissioner Vatrtr asked what Mr. Galbraith's opinion was regarding branding and its relation to signs. Mr. Galbraith stated that branding is an issue. He hoped the most people returned to a business due to the quality of that business and not because of a sign. He further stated that there have been clear demonstrations of branding signs.

ADJOURNMENT

ACTION - COMMISSIONER DUGAN MADE A MOTION TO ADJOURN THE PUBLIC HEARING AT 6:10 P.M. COMMISSIONER VATRT 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.

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

PUBLIC HEARING
FEBRUARY 2, 2009 6:00 P.M.

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
BOA and P&Z Clerk	Aimee Zimmerman

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 Hearing on Monday, February 2, 2009 at 6:00 p.m. for the purpose of discussion of proposed modifications to Section 19 regarding the size of decks and free standing decks in beach renourishment easement areas.

CALL TO ORDER

Mayor Montgomery called the Public Hearing to order at 6:18 p.m.

John Batson addressed Council.

- This issue was brought about by construction of new building a few months ago.
- Not only does CAMA have specific regulations but there are also regulations pertaining to beach renourishment easements.
- In 1995 and 1996, easements were acquired so that Kure Beach could be part of the beach renourishment program.
- In the Seawatch subdivision, these easements were pushed closer to the road thereby not allowing these homeowners to add decks to their structures.
- The purpose of this proposed ordinance will give these homeowners leeway to allow decks to encroach 15 feet into the easements.
- The proposed ordinance was read including the addition by the U.S. Army Corps of Engineers.

- The addition by the Corps added that removal of these decks shall be at the discretion of the Corps for beach renourishment purposes.

Mayor Montgomery stated that this item will be addressed at the Town Council meeting as Item No. 4.

Joyce Barnwell of Intracoastal Realty addressed council.

- She questioned how cantilevering will be affected. Mr. Batson responded that the proposed ordinance states decks, cantilevered or not, can only encroach the easement by 15 feet.

Commissioner Lambeth stated that decks would need to be completed in sections so that they are removable as they cannot be permanent fixtures.

Building Inspector Batson clarified that the CAMA guidelines do require that anything placed in the setbacks shall be temporary in nature.

Jerry Pilcher stated that decks would have to be bolted together.

Building Inspector Batson further clarified that even the beach crossovers are constructed in this fashion so that they can be removed easily.

Commissioner Vatrt asked how the 250 square feet came to be. Building Inspector Batson stated that typical decks are 10' x 25' and that the 250 square foot limit was a staff recommendation.

Building Inspector Batson stated that there is a difference between the perpetual easement line and the CAMA line. As the ordinance reads now, nothing is permitted in the perpetual easement. This will give these homeowners some relief from the restrictions.

ADJOURNMENT

ACTION - COMMISSIONER DUGAN MADE A MOTION TO ADJOURN THE PUBLIC HEARING AT 6:28 P.M. COMMISSIONER NELDER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mac Montgomery, Mayor

Aimee Zimmerman for
Kaysie Pralle, Town Clerk

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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 Vatrtr, 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 Vatrtr

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 Recreations 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 Vatrtr 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 Vatrtr 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 heparment 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 Vatrtr 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 Vatrtr 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 Vatrtr 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 FURHTHER 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.

Old
Business

Memo

To: Kure Beach Town Council
From: Kure Beach Planning and Zoning Commission
Date: February 11, 2009
Re: Recommendations to Council from February 10, 2009 Planning and Zoning meeting

In accordance with the directive of Town Council following their February 2, 2009 meeting, the Planning and Zoning Commission, from their February 10, 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 or in near proximity from a house or other building.
3. Balcony – An open platform projecting from the wall of a building usually supported by brackets and enclosed by a railing.
4. Loft – A room or storage area within a sloping roof or attic.
5. Widow's Walk – A railed observation platform usually atop a coastal house.
6. Dome – A large hemispherical roof or ceiling.
7. Spire – A steeply pointed roof termination to a tower.
8. Pergola – A structure consisting of parallel collinades supporting an open roof of girders and cross rafters.
9. Gazebo – A free standing, roofed structure open on the sides.

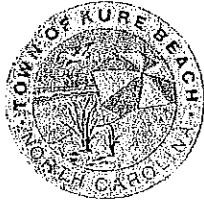
Memo

To: Kure Beach Town Council
From: Kure Beach Planning and Zoning Commission
Date: February 11, 2009
Re: Recommendations to Council from February 10, 2009 Planning and Zoning meeting

In accordance with the directive of Town Council following their February 2, 2009 meeting, the Planning and Zoning Commission, from their February 10, 2009 meeting, recommends that the following ordinance be added to the Town of Kure Beach Code of Ordinances:

Sec. 5-185 OCEANFRONT DECK ENCROACHMENT

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 any encroachment extend into the Perpetual Beach Storm Damage Reduction Easement are granted to the Town of Kure Beach; then, and in that event, it shall be subject to the terms of the easement and as such is subject to removal at the owner's expense. Such removal shall be at the discretion of the U.S. Army Corps of Engineers for beach renourishment purposes.



That the Code of the Town of Kure Beach, North Carolina, is hereby amended by adding ARTICLE X to be numbered Section 5-185, which shall read as follows:

Sec. 5-185 OCEANFRONT DECK ENCROACHMENT

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 any encroachment extend into the Perpetual Beach Storm Damage Reduction Easement area granted to the Town of Kure Beach; then and in that event, it shall be subject to the terms of the easement and as such is subject to removal at the owners expense. Such removal shall be at the discretion of the U.S. Army Corps of Engineers for beach renourishment purposes.

Adopted this the 17th day of February, 2009.

MAC MONTGOMERY, MAYOR

ATTEST:

KAYSIE PRALLE, TOWN CLERK

MEMORANDUM

DATE: February 12, 2008
TO: Town Council
FROM: Michelle James, Town Administrator
RE: Funding Requests

The following information may be necessary when discussing Funding Requests, under Old Business.

1. The 2008-09 Budget contained \$10,000 to fund the requests below:

Not approved as of yet by Town Council

Katie B. Hines Center	\$4,000
The Help Center of Federal Point	\$750
Federal Point History Center	\$2000
<hr/>	
	\$6750.00

Approved by Town Council

Aquarium Trick or Treat Donation	\$100
KB Christmas Show/Fire Board	\$3000
Island of Lights/Fireworks	\$1500
Street Festival Fireworks	\$3150
<hr/>	
	\$7750.00

The balance in this line item is \$2,250.

New
Business

Jlb.
17 mtg.

**JAMES C YODER, CLU
LIFE INSURANCE AND ANNUITIES
2343 BRANDT VILLAGE
GREENSBORO, NC 27455**

1-800-480-3649

**(H) 336-288-1267
(C) 336-210-8771**

(F) 336-288-9704

Thursday, January 15, 2009

Mr. Mac Montgomery
Mayor, Kure Beach
117 Settlers Lane
Kure Beach, N.C. 28449

RE: Condominium Insurance on Duplexes

Dear Mr. Montgomery:

At the time that we purchased our duplex at 1009-B Trout Lane, our understanding was that the building was a duplex, but because of the regulations at Kure Beach, it was considered a condominium.

The reason given was that the lot, if not a condo, could be split and there would be a possibility of two residences on one lot. I think this could be remedied by a regulation by the town that stipulates that no two separate living quarters could be build on one lot.

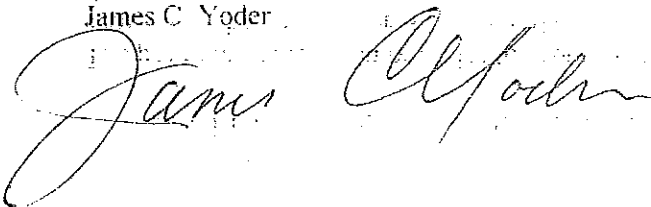
The problem arises when one tries to properly insure one side of the condo/duplex. A condo connotes that the insurer is insuring the interior and contents only. The idea of a condo is that the interior of the structure is all the individual owns, not the structure itself or the lot on which it resides. A duplex is insured for both the interior and the exterior because the owner owns the outside as well and the lot underneath. I understand that a master condo policy must be in place to cover areas where numerous condos are attached. That is not the case with duplexes where one can identify where a claim occurred and only two residences are involved.

There does not seem to be a distinction between a condominium and a duplex in the town regulations. Because of this, it is difficult to insure the premises properly. If not done correctly the insurance on the property can be underwritten improperly and be subject to legitimate claims being denied.

I have spoken with Ms. James and Commissioner Lambeth about this dilemma and will we glad to present this further to the town council.

Sincerely and best wishes for the New Year,

James C Yoder



For Council Mtg, Jan. 20th
For Council mtg. Feb. 17th

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.

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

It is with my saddest regret to inform you that the Kure Beach Police Dept. has suffered a great loss. On February 14, 2009 K-9 Chess passed away from Acute Kidney Failure. The fight was brief however very brave.

K-9 Chess joined the Police Dept. in February 2003 and instantly became the perfect match for our department as well as for the community. K-9 Chess had many positive attributes, first and for most this dog loved her job, she loved being a police officer's partner, a great friend to many people and other officers, and a wonderful teacher. I would like to brag just a little about K-9 Chess not only about her accomplishments on the street but also her love for competition.

There are a few highlights which I recall that proved this police dog was one of a kind. Chess loved to search for drugs, I remember one time when Chess was searching a van for narcotics and she smelled all around the inside and then Chess became focused on the sun visor. She smelled the visor 2 times only to rear back on her hind legs which were on the driver's seat and began scratching on the sun visor. Well I thought this is embarrassing, I was trying to explain dog behavior or at least an educational explanation to my fellow officers' when I heard from another officer "hey there is a small hidden compartment with marijuana inside this sun visor. Well my explanation changed rapidly as I slipped around the corner and praised this great police dog and I whispered in her ear "I will never distrust you again" and I never did. K-9 Chess located over 100 pounds of marijuana from the U.S. Post Office alone. It is hard to determine the total amount of narcotics and contraband which K-9 Chess located or deterred in and around Kure and Carolina Beach but I will tell you this, I noticed a significant increase in our drug arrests for about the first year. Once the word was out about a police dog finding hidden drugs the arrest number went down. I was wish I could put an amount on that. K-9 Chess also searched many large ships (some more than 600 feet long) for U.S. Customs. Chess normally only found small amounts of narcotics left behind by the crew but that was her job and her contribution to keeping our State Ports and Waterways safer.

K-9 Chess also had a great ability to track and locate fleeing suspects. Chess located many suspects who fled from the police while attempting to break into homes or construction sites, or who ran after a traffic stop. K-9 Chess challenged with great bravery every suspect she located at the end of the track and no harm occurred to suspect or officers' as a result. Every so often I would use chess's ability for a non-emergency purpose. One afternoon I needed to ask Chief Cooper a question I felt was important. I found out Chief Cooper was out walking the trails of the buffer zone trying to relax after a busy day at the office. I found Chief Cooper's vehicle and put K-9 Chess to work tracking the Chief. Well about 1.5 miles later K-9 Chess slipped right up on the footsteps of Chief Cooper. The Chief turned around and stated "oh, what, oh, how, I just looked up and stated "she's that good". I continued on with my important question and K-9 Chess and I walked back to our patrol car...I laughed with Chess the entire way back.

K-9 Chess had a special way of making people smile. One dark night at the rocks near the Civil War Monument I found a frantic freshman college student stating he lost his cell phone somewhere between the rocks and the Civil War Museum. I thought to myself "this is a lost cause" but I put K-9 Chess to work performing an article search. Chess went on her way soon disappearing into the darkness and I continued to talk with this college student. 5 or 6 minutes went by and no sign of Chess. I started to call her but then I saw this little blue light off in the darkness. I told the college student "you know there are ghost down here" just making a joke because I was not sure what this light was either. As the blue light got closer I made out the silhouette of K-9 Chess, I looked over at the college student and said "there's your phone". The phone had flipped open when Chess picked it up off the ground. The look on his face was

priceless. As Chess turned over the phone to me she looked over at the college student as if to say “try to keep up with your belongings”. Chess made most of her friends at the Kure Beach Pier. I can only describe them as males and females about 3 to 4 feet tall with melted ice cream on their hands. Chess loved children, when I was asked by the dog lovers can we see your dog, nothing made that tail wag like a child petting her. Chess always loved to show off at the local elementary, middle, and high schools doing demo’s of what she was trained to do.

Now I am still not sure who was more competitive me or her. Chess and I were members of the United States Police Canine Association which is the organization that evaluates and certifies police officers and their K-9 partners. The USPCA also allows for competition between handlers and their dogs, this is an area in which K-9 Chess went to the top. For the regional trial which brings together dog teams from North Carolina, South Carolina, and Georgia K-9 Chess took home a trophy in every dog trial she entered dating back to 2003. K-9 Chess won many first place trophies in obedience and agility. Chess cracked the top 10 overall best dogs in 2005 and never looked back becoming the region’s “Top Dog” in 2007. Chess quickly moved up to the national level in 2004 finishing the 4th best overall dog in the nation. Chess continued on in the years to follow with back to back top ten finishes overall at the Nationals. K-9 Chess took 1st place in obedience at Nationals in Huntsville Al. and the following year won 1st place in the agility course at Nationals in Lakeland FL. The reward for Chess I think is how proud she made me; a National Judge once wrote on my obedience score sheet “that dog sure does have a crush on you”. Chess and I were a great team, we made a lot of friends throughout the country and I will always be grateful to Chess for the lifetime of memories she created for me at dog trials and on the street.

K-9 Chess was truly an everyday hero, whether Chess was playing with our family at home or guarding the streets of Pleasure Island I learned more about loyalty, giving it you’re all, bravery, and defying the odds in my 6 years with her than I could have ever imagined. This wonderful police dog truly was my best friend, my fearless partner, and a great teacher. K-9 Chess will always be remembered as Kure Beach Police Departments first Patrol K-9 who gave the ultimate sacrifice. K-9 Chess will always be loved and never forgotten.

K-9 Chess
November 7th 2000 – February 14th 2009

I would like to thank the members of this community for all the support over the years.

Thank you

K-9 Officer Jason Cummings

Nc. 20

Presented by Dean Lambeth
at Feb 2009 mtg.

Jim Long moved forward with this just before his term ended. It was against the expressed wishes of the committee comprised of state legislative members that were still meeting as a study committee.

North Carolina Commissioner of Insurance, Wayne Goodwin, inherited this "hot potato."

There are 14 members on the State Rate Bureau Board, all of which work for insurance companies.

2003 - Beach plan had 17.3 billion in exposure

2007 - Beach plan had 74 billion in exposure

This means that in one named storm every building, residential and commercial in all 20 coastal counties, would be completely destroyed by wind and hail alone (not including flooding).

2% surcharge means 2% of insured amount for each claim

In a state press release by Long, he stated there would be a 4.05% increase, with 43 counties receiving a rate deduction. 43 counties will get reductions, including District 8.

There are 166,000 Beach Plan policies in effect. 8,000 of which are for homes valued above \$750,000.

SIGN UP SHEET TO ADDRESS TOWN COUNCIL

NAME	ADDRESS	SUBJECT
Love Eccleston	Cumm. Ctr.	Spirit Awards
Henry F Hammit	179 South Blue Bay	-