

MINUTES

TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor
Chuck Keener, Mayor Pro Tem
Jim Dugan, Commissioner
Barry Nelder, Commissioner
Tim Fuller, Commissioner
Kaysie Pralle, Town Clerk

REGULAR MEETING

FEBRUARY 16, 2010 at 6:30 PM

COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Jim Dugan
Commissioner	Barry Nelder
Commissioner	Tim Fuller

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Police Chief	Dennis Cooper
Fire Chief	Harold Heglar
Public Works Director	Sonny Beeker
Building Inspector	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 AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm. Reverend Don Skinner, Executive Director of Phoenix Employment Ministry delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

PRESENTATIONS TO COUNCIL

- Alan Pacek, PICOC - The Chamber took on a marketing campaign last year. A study showed that people are as endeared by our island as they are by going to Disney World. They are requesting funding for the Friday Fort Fisher concert series. We can promote this to our hotels. The request is for \$8,500.00, the same amount as last year. Alan - Some internet based booking firms offer discount room rates. These national companies are looking to introduce legislation to DC that would allow them to not pay ROT. The Chamber is against this.
- Sean Cook, Pleasure Island Rentals - He is here requesting permission to allow his gators on the beach to put out and pick up their beach equipment. When he spoke with Building Inspector Batson he was against it, but has not heard back from him since they first spoke.

Commissioner Nelder - I do not know how the Town can benefit from it financially.

Sean - You can tax it with the issuance of permits.

Mayor Pro Tem Keener - He put an email out to department heads asking their feedback. It was unanimously voted down by all of them.

Mayor Lambeth - He would like to vote on this tonight. He would like to set up a meeting with Sean and the Marketing Committee to explore this further, without the use of gators on the beach.

Ann Brodsky - What would Council like us to do with this?

Gilbert Alphin - This topic has been researched in the past with regards to ADA accessibility.

Commissioner Fuller - Is there a benefit to the Town? This is not the role of the Marketing Committee. We focus on the financial aspect to find ways to better promote the Town.

- ☞ Jean Martin, Community Center Committee - The Spirit Awards Dinner is on March 27th at the Community Center. Tickets are \$16.00 per person. Nominations will be accepted until March 5th at Town Hall.

PERSONS TO ADDRESS COUNCIL

(3 Minutes - Please sign in with the Clerk before the meeting)

APPROVAL OF CONSENT AGENDA

1. Building Department report - January 2010
2. Finance Department report - January 2010
3. Fire Department report - January 2010
4. Police Department report - January 2010
5. ROT Resolution from New Hanover County
6. Board of Adjustments Annual Report
7. Meeting Minutes
 - ☞ 1/9/2010 Retreat
 - ☞ 1/19/2010 Regular
 - ☞ 2/3/2010 Citizens Finance & Budget Advisory Committee Interviews

ACTION - Commissioner Fuller **MADE THE MOTION** to endorse the ROT resolution and authorized the Mayor send a letter to chairman of the County Commissioners acknowledging our endorsement and that we will help the county in any way that will prevent this legislation from passing. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION - Commissioner Nelder **MADE THE MOTION** to approve the consent agenda. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

DEPARTMENT HEAD PRESENTATIONS

☞ Public Works Director Sonny Beeker
Sewer Rehab - Grouting joints should be done soon. They are behind schedule of their completion date.

Island of Lights - He talked with Frances Massey. He requests Council allow a four man crew for two days to help set up and take down the lights.

Mayor Lambeth - He supports the recommendation of a four man crew for two days. He thinks this is a worthwhile project.

Commissioner Fuller - This would be part of the 2010-11 budget so Director Beeker should be sure to include it.

Sunny Point, Disc Golf - This land is in the safety and explosion section of the property. He is hoping to hear from Rich Lockwood on this matter in the near future.

Ann Brodsky - Once we get the approval, what is the timeline for getting the course approved?

Gabby Kraus - Approximately one month.

ADOPTION OF THE AGENDA

AMENDMENTS

Commissioner Dugan - Ocean Front Park Update added to Old Business #13

Commissioner Fuller - Amendment to Community Center General Policy Provisions

Attorney Canoutas - Ordinance Amendment - Sec. 17-121 Properties in Foreclosure added to New Business #8

ACTION - Commissioner Nelder **MADE THE MOTION** to adopt the agenda as amended. Commissioner Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

OLD BUSINESS

1. Atlantic Avenue Landscaping (Lambeth/Dugan)

Council approved the issuance of a purchase order in the amount of \$6,880.00 to RTM Landscaping for the Atlantic Avenue Boardwalk.

ACTION - Mayor Lambeth **MADE THE MOTION** to issue a purchase order in the amount of \$6,880.00 to RTM Landscaping for the Atlantic Avenue Boardwalk. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

2. General Policy & Procedures for committees (Fuller)

Commissioner Fuller - Under the revised policy there is a limit on the number of committees a person can serve on and no person can be chair of more than one

committee. We changed the way committee vacancies are filled. All committee interviews will be done in open session. Committees/Commission/Boards mandated by General Statute, such as BOA, P&Z and Stormwater, interviews will be conducted by Council.

Commissioner Dugan - Is the language in 1D correct?

Attorney Canoutas - I think it will pass.

Commissioner Dugan - What about in the instance of getting only one applicant?

Commissioner Nelder - Council will decide who will be on the committee, not the committee itself.

Mayor Pro Tem Keener - Did we discover what a full time resident is?

Commissioner Fuller - General Statutes 163-282 and 163-57 address this issue. His interpretation is if they are registered to vote in Kure Beach, they are a resident in Kure Beach.

ACTION - Commissioner Fuller MADE THE MOTION to approve the revised Policy & Procedures for Committees. Mayor Pro Tem Keener seconded the motion. THE MOTION PASSED FOUR TO ONE. Commissioner Nelder was opposed.

Commissioner Dugan - Reminded committees to please keep the Town Clerk up to date on meeting dates and times so that she can post proper notice.

Ann Brodsky - Questioned if there is a short lived committee would the three committee limit still apply?

Commissioner Dugan - This portion of the policy would not apply to committees that are not of a permanent nature, such as the Ocean Front Park Committee.

3. Recommendation by the Planning & Zoning Commission to accept the appointment of Jim Vatr as a regular member
4. Recommendation by the Board of Adjustments to accept the appointment of Tony Garibay as an alternate member
5. Recommendation by the Stormwater & Environmental Committee to accept the appointments of Thomas Moffitt, Alan Votta and John Gordon as regular members
 - a. Additional recommendation to increase the number of members and approval of an alternate member

ACTION - Commissioner Fuller MADE THE MOTION to reject items three, four and five. Council will hold a Special Meeting to conduct interviews for Board of Adjustments, the Planning & Zoning Commission and the Stormwater & Environmental Committee at Town Hall on Wednesday, March 3, 2010 at 6:30 pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Discussion and consideration of Council/Mayor form of government (Fuller)

ACTION - Commissioner Fuller MADE THE MOTION to schedule an Administrative Work Session at Town Hall on Wednesday, February 24, 2010 at 6:30 pm. The purpose

of this meeting is to discuss the Mayor/Council form of government, the position of a Deputy Clerk and any other administrative duties. Finance Officer Jennifer Watson and Town Clerk Kaysie Pralle are to attend. Both are to have their additional job duties to Council by this Friday. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

7. Managing Public Records Workshop NCDRC Update (Pralle)

Town Clerk Pralle - The Town will host the workshop on May 10, 2010 from 1-4 pm at the Courtyard Marriott in Carolina Beach. Rebecca Paden from the Department of Cultural Resources will be conducting the session. She will also be responsible for the registration portion of this event. There will be no cost to the Town for the NC DCR workshop or the Courtyard Marriott ballroom fee. The Clerk is currently negotiating with the Marriott to stay within the \$300.00 budget for refreshments at the event.

8. Discussion and consideration of Town calendar for 2010 (Fuller)

Commissioner Fuller - At the January meeting, Council tabled this item to gather input from Department Heads regarding the preferred Christmas holidays. The consensus of the Department Heads was to observe Thursday the 23rd and Friday the 24th for the Christmas holiday.

ACTION - Commissioner Fuller MADE THE MOTION to adopt the calendar with Town offices being closed on Thursday, December 23rd and Friday, December 24th in observance of the Christmas holiday. Also, the official calendar notes that either Martin Luther King Day or Presidents Day will be observed. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9. Discussion and consideration following public hearing for ordinance amendment/addition to the following section of the Kure Beach Town Ordinance: Sec. 19-321.5. Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

ACTION - Commissioner Nelder MADE THE MOTION to adopt ordinance amendments to Sec. 19-321.5. Commissioner Dugan seconded the motion. THE MOTION PASSED FOUR TO ONE. Mayor Lambeth was opposed.

10. Discussion and consideration of Citizens Finance and Budget Advisory Committee appointments, meeting date, time and location (Fuller)

ACTION - Commissioner Fuller MADE THE MOTION to approve the appointments of Larry Aultman, Vinny Doran, Lisa Humphrey, Bill McGee and Grace McGee. The committee will meet at Town Hall on the second Monday of the month at 6:30 pm. The terms of the committee are three year, staggered terms. The first items of business are to draft a mission statement and determine initiatives for Council approval at the March meeting. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Town Clerk is to prepare appointment letters.

11. Island of Lights (Lambeth)

- b. Request for assistance (Lambeth)
- c. Christmas light display (Ken Withrow)

Mayor Lambeth noted that Item A was addressed earlier in the meeting during Department Head Items.

Ken Withrow - Christmas Light display

The Island of Lights has offered \$3,000.00 for new Christmas lights in Kure Beach. The Town will need to pick them, put them up, take them down, store and maintain them. The committee has narrowed it down to two selections which Ken presented to Council.

Commissioner Fuller - Where are you suggesting to place the lights?

Ken - The committee recommends at the Ocean Front Park. If that would not work they suggest putting them at Town Hall.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to accept the recommendation of the Beautification Committee. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

12. Hall of Fame Mural (Lambeth)

Mayor Lambeth - The mural in the hallway is complete.

Ken Withrow - Emilie Swearingene, Hall of Fame member, has been talking with Veronica Paige at Cape Fear Community College who specializes in mural paintings. She would be willing to provide assistance with the mural once Council provides direction.

The Council is to provide the Clerk with their recommendations for this project.

13. Ocean Front Park - Establishment of a project schedule and a project budget (Fuller)

Commissioner Dugan - The Ocean Front Park Committees recommendation to Council is to have Withers & Ravenel do the architectural work and for Engineering Services to do engineering work for the project. We do not have the proposal from Withers & Ravenel. Engineering Services has already submitted proposal. We will get drawings completed so we can get the Stormwater plans ready.

Resident Jim Vattr - Will there be a public hearing for this?

Commissioner Dugan - Withers & Ravenel will give us a price list showing what the costs are so we can best know where to spend the grant funds already awarded to the Town. The committee will make recommendations to Council who has ultimate authority.

Commissioner Fuller - It would be worthwhile for the committee to come up with a project schedule. He also suggests we try and recreate what we did on the boardwalk project to prevent that type of issue with this project.

Recess at 8:14 pm

Resume 8:27 pm

NEW BUSINESS

1. Discussion and consideration of Reserve Fund Budget Amendment (Keener)

Mayor Pro Tem Keener - We were short in our estimate to CAMA. There were mistakes made three years ago. Building Inspector Batson and Finance Officer Watson worked very hard to get this all worked out.

We will eliminate the signs and make a budget amendment from the reserve funds in the amount of \$413.32 to balance this project.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to transfer \$413.32 from the reserve fund to fully fund this project. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Discussion and consideration of Amending or Repealing the following section of the Kure Beach Town Ordinances:

Sec. 2-56. Advisory council; special committees. (a) and (b) (Fuller)

Commissioner Fuller - This section may have never been used before. After speaking with Chris May from the Cape Fear Council of Governments and several others, it may be helpful to eliminate this section from the Code.

ACTION - Commissioner Fuller MADE THE MOTION to delete Sec. 2-56 from the Kure Beach Code. Commissioner Nelder seconded the motion. THE MOTION PASSES FOUR TO ONE. Commissioner Dugan was opposed.

3. Planning & Zoning Commission request for direction regarding burying power lines

Mayor Lambeth - We received a response from Marlowe & Co. regarding grant assistance for power line burial. They would provide assistance to the Town to research grants at a cost of \$24,000.

Commissioner Fuller - They are looking for federal funding, to include grants available to us.

Mayor Lambeth - Representative McIntyre did not know of any grant funding specifically earmarked for this type of project.

Commissioner Fuller - We do not want to pursue anything with Marlowe & Co. He suggests requesting P&Z to come up with an outline of how they would pursue this and let them know we are not interested in hiring a lobbyist.

Council will send a letter to Representatives McIntyre and Burr and Senator Hagan saying if there are federal funds available for this type of project, even if it is stimulus funds, the Town of Kure Beach would be interested and to please let us know.

ACTION - Commissioner Fuller MADE THE MOTION to request P&Z come up with some kind of an outline proposing how they would suggest pursuing this, not including Marlowe & Co. The Town will send a letter out with the Mayor's signature to McIntyre, Hagan & Burr requesting if there are funds available for this type of project the Town would be interested. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4. Discussion and consideration of scheduling an Administrative Work Session (Dugan)

This item was addressed in item six under Old Business.

5. Discussion and consideration of a Town Hall Dress Code (Keener)

Mayor Pro Tem Keener noted that he has developed a dress code policy that would be business casual for Town Hall staff. The staff requested that Capri style pants and shorts no higher than five inches above the knee be added, as is the case in Carolina Beach's dress code.

Commissioner Dugan - His suggestion is the Department Heads/supervisor should be the ones that follow up on the policy.

Commissioner Nelder - Do we need to adopt a dress code at all?

Commissioner Dugan - What type of problem are we getting ourselves into if we adopt a specific brand of clothing, such as Dockers? He is fine with shorts of a decent length and capri style pants.

Commissioner Nelder - Does this policy apply to all Town departments, or just Town Hall?

Mayor Pro Tem Keener - It will be anyone in administration, but we will leave it up to the Department Head as to how they want to enforce it outside of Town Hall. This policy will primarily apply to Town Hall with the exception of the Building Inspector.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to accept this dress code without capri pants and shorts as acceptable attire. Commissioner Fuller seconded the motion. THE MOTION PASSED THREE TO TWO. Commissioner Dugan and Commissioner Nelder were opposed.

6. Discussion and consideration of Customer Service Policy (Keener)

ACTION - Mayor Pro Tem Keener MADE THE MOTION to approve the Customer Service Policy as presented. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

7. Community Center General Policy & Provisions

Community Center Committee member Lore Eccleston noted that since the Community Center was recently painted, the members would like to amend the General Policy & Provisions to state "No tacks, staples or tape of any kind are to be used for decorating the Community Center. Nothing should be adhered to the walls or mirrors."

ACTION - Commissioner Fuller MADE THE MOTION to approve the Community Center Committees recommended amendments to their General Policy & Provisions. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

8. Discussion and consideration of Sec. 17-121 Properties in Foreclosure.

Attorney Canoutas - Accounts Receivable Specialist Pat Fortier has been struggling with this issue for years. Attorney Canoutas is proposing this ordinance be passed. Resident Jim Vattr noted several home owners associations are putting a lien against properties up front instead of waiting until the property goes into foreclosure.

Commissioner Fuller - How far in arrears do we let them get before we shut off their water?

Attorney Canoutas - According to our ordinance, it should be cut off after 60 days, but it is not being followed. In Wilmington, if you are 60 days behind, you have no service. There are exceptions that Pat has made that only she is aware of.

Commissioner Fuller - If we wait until it goes into foreclosure it is too late.

Attorney Canoutas - This situation as it is does not look good on the books.

Commissioner Fuller - He will get with Pat and the attorney to find ways to work through this.

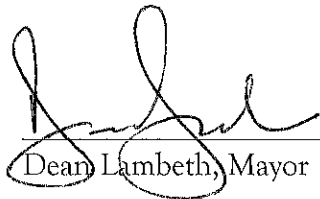
ACTION - Commissioner Nelder MADE THE MOTION to adopt this ordinance as presented. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

EXECUTIVE SESSION

(If necessary)

ADJOURNMENT

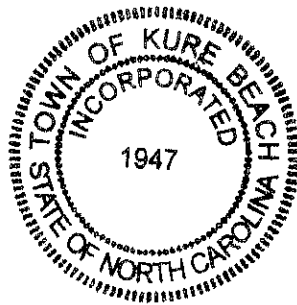
ACTION - Mayor Nelder MADE THE MOTION to adjourn the meeting at 9:19 pm. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Dean Lambeth, 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.