

# 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  
Nancy Hewitt, Interim Town Clerk

REGULAR MEETING  
JUNE 15, 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

### STAFF PRESENT:

Building Inspector	John Batson
Interim Town Clerk	Nancy Hewitt

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 6:32 pm. Pastor Ken Gourlay from Whispering Pines Baptist Church delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

### PRESENTATIONS TO COUNCIL

- Officer Paul Hubbard of the Kure Beach Police Department requested approval of two stop signs to be placed at the north and south bound lanes of 6<sup>th</sup> and J Avenues. Currently there are two stop signs at the east and west bound lanes, so the addition of the new stop signs would make the intersection a 4-way stop intersection. Since the road is divided by an island, this would improve the safety of the road.

Commissioner Nelder brought up the issue of signs around town and said that he would like to see a standard adopted for signs in Kure Beach. He inquired whether the stop signs could be put on the pickled-wood posts that the town had voted to begin using on town signs.

Officer Hubbard said that the only thing the police department was concerned about was getting the stop signs put up in accordance with DOT requirements. The department wasn't concerned about the posts that the stop signs would be affixed to.

**ACTION** - Commissioner Fuller **MADE THE MOTION** to authorize the chief of police to amend the list of stop sign locations in the town to include the two locations recommended by

ACTION - Commissioner Fuller MADE THE MOTION to authorize the chief of police to amend the list of stop sign locations in the town to include the two locations recommended by Officer Hubbard; and that we request, in line with Commissioner Nelder's suggestion, that if the pickled-wood posts are available that we use those for the installations of the signs. If they are not available that we will use the standard posts. Mayor Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## PERSONS TO ADDRESS COUNCIL

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

- Phyllis Mojzis spoke on behalf of the Beach Protection Committee regarding kite buggies. She had a recommendation from the committee requesting council's approval on the new ordinance that prohibits the operation of any wheeled vehicle that is propelled by wind. A copy of the June 2 article in the Wilmington Star-News regarding kite buggies points out the safety issues involved. The proposed ordinance written by the town attorney is very similar to the one adopted by the Town of Wrightsville Beach.

Also, the members of the committee are very concerned about the oil spill that occurred in the Gulf of Mexico and have asked Building Inspector John Batson to keep them informed of any meetings pertaining to this issue.

Finally, the committee is also moving ahead with TV spots on Channel 3 which will focus on beach regulations and beach safety information. This is a free public service provided by Channel 3 and the station managers will let the town run public safety announcements as needed.

## APPROVAL OF CONSENT AGENDA

1. Building Department report - May 2010
2. Fire Department report - May 2010
3. Police Department report - May 2010
4. Meeting Minutes
  - 5/13/2010 Budget Work Session
  - 5/13/2010 Public Hearing - Off-street Parking Requirements
  - 5/13/2010 Budget Work Session - continuation
  - 5/18/2010 Regular
  - 5/28/2010 Budget Work Session
  - 6/1/2010 Regular - continuation
  - 6/1/2010 Joint Work Session - Council & Planning and Zoning Commission
  - 6/3/2010 Special Meeting - personnel
  - 6/10/2010 Budget Work Session
  - 6/10/2010 Regular - continuation

ACTION - Commissioner Dugan MADE THE MOTION to adopt the consent agenda. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## ADOPTION OF THE AGENDA

### AMENDMENTS:

#### New Business

- Item 2 Add – Public Records Requests for Emails
- Item 7 Request from Town Resident to Buy Numbered Post with Town Logo
- Item 8 Recommendation to Appoint an Ad Hoc Committee to Decide on Uniform Town Signage

ACTION – Mayor Pro Tem Keener MADE THE MOTION to adopt the amendments to the agenda. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## DEPARTMENT HEAD ITEMS

### ▪ John Batson – Building Inspector

Mr. Batson – I have a summer intern approved to work for 180 hours with me in the Building Inspections department. Corey Mullen is a student at ECU and is majoring in physical geography. In an effort to help him with his schooling requirements we have put together a comprehensive plan to gather a more complex set of beach renourishment measurements on a bi-weekly basis. This information will be submitted to the Army Corp of Engineers at the end of the summer. We hope to have a good presentation put together to show at the regular council meeting in August. If it turns out to be a productive project, I will try to continue it throughout the year.

## OLD BUSINESS

### 1. Discussion and Consideration of Town Hall Printer Contract

Mayor Lambeth stated that one of the first checks he signed was for \$540.90 for the printer at Town Hall. When the former Town Clerk, Kaysie Pralle, checked into contract with COECO, part of the stipulation was that the contract should have been brought before council for a vote before it was signed. At the end of the lease period, the copier will have cost the town \$32,454. He asked if council would like the Mayor Pro Tem to find other outside bids for a similar printer before sitting down with COECO regarding their contract.

The town attorney, Andy Canoutas, said that he searched the records and couldn't find where council had authorized the contract. He stated that the contract should have been put out for bids, and he didn't think this happened. He said it was signed 10 months ago by Michelle James, the former Town Administrator; "so technically it is a void contract for the town." He stated that the contract could probably be negotiated.

Commissioner Dugan recommended that whichever way the councilmen vote, they should consult with the Town Hall employees to make sure the copier chosen for them will meet their needs.

ACTION – Commissioner Fuller MADE THE MOTION to delegate Mayor Pro Tem Keener and Commissioner Dugan to work with town staff and solicit alternative proposals; and that, if they

find such, they bring back a recommendation to council at the July meeting. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

## **2. Dow Road Signage Update**

Mayor Lambeth stated that, after attending the Carolina Beach Town Council meeting, it was abundantly clear to him and Commissioner Nelder that the residents of Kure Beach didn't want Dow Road overtaxed with traffic being diverted away from Lake Park Boulevard in Carolina Beach. Tim Owens, Town Manager for Carolina Beach, promised to present a mock-up of any signage that they would like erected before any decisions were made.

Commissioner Fuller noted that Mayor Lambeth had mailed a letter of request to the Department of Transportation (DOT) regarding this issue. He remarked that the DOT responded that nothing would be done by them to erect any signage until both towns agreed on a solution.

## **3. Disc Golf Course Update**

Mayor Lambeth said that Sunny Point didn't see fit to extend the town's lease area another 250 feet for the course. Therefore, Sonny Beeker, Public Works Director, will consolidate the Public Works shop and storage areas into one corner of the leased property to make room for the course. The two gentlemen working on the design of the course hope to have it completed within the next 2 weeks. From there, the design will be reviewed by the Parks and Recreation Committee and then it will be presented to council

## **4. Deer Population**

Mayor Lambeth said that Sunny Point has hired a wildlife expert who has studied the deer population on Sunny Point land. This gentleman will present council with his recommendation on how he intends to proceed with getting the deer population under control. A request for Kure Beach residents' input on deer sightings has been emailed via the town's list serve, and a record of those sightings is being updated at the front desk of Town Hall. Mayor Lambeth stated that part of Sunny Point's approach to getting rid of deer ticks and undergrowth would be to have controlled burns.

Commissioner Dugan stated that there are a lot of factors when doing controlled burns that might interfere with the scheduling and that it isn't always possible to count on them taking place.

## **NEW BUSINESS**

### **1. Board/Commission/Committee Vacancy Appointments and Resignations**

- a. Resignation of Mary Vann – Annual Street Festival Committee**
- b. Resignation of Pat Slachetka – KB Community Center Committee**

ACTION – Commissioner Fuller MADE THE MOTION to accept the resignations and to direct the clerk to advertise and ask committees to follow through with the new committee procedures in terms of the interviews and making recommendations. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

REQUEST – Mayor Lambeth will mail each of these ladies a letter thanking them for their service to the town.

## 2. Appointment of New Finance Officer and Public Records Requests for Emails

- a. Mayor Pro Tem Keener announced that the Kure Beach Finance and Budget Officer position has been filled. The council offered the Finance/Budget position to Arlen Copenhaver and he accepted the offer. He will start work on June 28. Mr. Copenhaver lives with his wife and 10-year old daughter in Kure Beach. He comes to the town from a Fortune 100 company where he was second in command of the internal audit division and was in charge of supervising 45 people. He is also a Certified Public Accountant. Mr. Copenhaver lived near the New Jersey shore and commuted to work in New York City for decades. When he transferred to his company's Charlotte, NC, office, he found it to be too far from the shore for his liking. The opportunity presented itself for him to take advantage of a healthy “early out” package, and he moved his family to Kure Beach. Since he is experienced with reviewing companies and recommending improvements to their accounting and budgeting systems, he is looking forward to the challenge of working in the Kure Beach Finance Department.

Mayor Pro Tem Keener went on to say that, at the council's retreat on January 9, the town attorney told council that the Mayor-Council-Administrator form of government had been changed by the previous council to a Mayor-Council form of government. So, before its first council meeting in January, the new Council was left with a Town Hall that was without a manager, without a budget officer and without a personnel officer. In essence, it was without a go-to person for council, department heads or residents. The previous Administrator, foreseeing this problem, recommended in her departing letter that the town should hire an office manager and a director of finance. So, council has done that. Council did not add an office manager to replace the Administrator. Instead, it added officer manager responsibilities to the Town Clerk position. The \$60,000 salary and the \$6,000 car allowance that was paid to the former Town Administrator, and the \$32,500 salary paid to the former Town Clerk will now be covered by one person, Nancy Avery, with a salary of \$55,000. This yields a total savings to the taxpayers of \$43,500 while still providing the same and, hopefully, better service. The same thing is happening in the Finance department. The combined salaries of two of the employees who were in that department was \$62,000. These two people are being replaced by one person, Arlen Copenhaver, at a salary of \$48,000. We saved another \$14,000 of the taxpayers' money while strengthening the capabilities of the Finance department. This council had to make some tough choices. The other 3 employees currently working in Town Hall will continue in their jobs, as usual.

- b. Mayor Pro Tem Keener stated that council had received 7 requests from newspapers and people in KB asking for various information and emails regarding former town employees from home and Town Hall computers. He said that he has been working on these requests for a couple of weeks and it will be another couple of weeks before the requests can be filled since our IT representative is out of town.

It was debated in what form the requestors should be provided the information: hard copies or scanned documents made available on the town's website. If the town decides to

provide the requestors with hard copies of the information, they will be charged the regular copy fees. If the information is scanned and made available on the website, then people would be free to print the information out as needed.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to appoint Arlen Copenhaver as the Budget and Finance Officer effective June 28. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**3. Amending the March 16, 2010 Regular Council Meeting Minutes**

Mayor Lambeth said that it came to council's attention through one of the public records requests that former Town Clerk, Kaysie Pralle made a mistake in the March 16, 2010 regular council minutes. He read the sentence that required amending, quoting Commissioner Fuller in the minutes: "What I did was I went back to the job descriptions for the Town Clerk and for the Finance Officer that existed prior to HIRING the Town Administrator."

Ms. Pralle translated the word "hiring" into "firing" in the minutes. After the recording was reviewed by council, the town attorney and the acting town clerk, all agreed that Commissioner Fuller said "hiring," not "firing."

ACTION - Mayor Lambeth MADE THE MOTION to amend the minutes to reflect the word change from "firing" to "hiring." Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

**4. Discussion of Kite Buggy Ordinance**

Commissioner Nelder stated that these air-powered vehicles are not regulated by the State of North Carolina. He is worried about safety issues and wants the town to be proactive in adopting its own kite buggy ordinance. He requested that council approve the ordinance that the town attorney created.

ACTION - Mayor Pro Tem Keener MADE THE MOTION to adopt the ordinance. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Mayor Lambeth read the ordinance that will be added into the town's ordinance as Section 10-104.1 - "Kite Buggy Prohibited."

Mr. Canoutas said that the police department would be responsible for enforcing the ordinance and that violators would be charged with a general civil violation for breaking the ordinance.

REQUEST - Mayor Lambeth requested that the clerk prepare the ordinance for signature.

**5. Adoption of Budget for Fiscal Year 2010-2011**

Commissioner Fuller said that final adjustments to the budget were made at the public hearing that was held just before the council meeting. He announced that there would be no tax and fee increases this year. He also stated that Council had granted a 3% merit increase for Town employees noting that they didn't receive an increase last year. He pointed out that the budget

includes mortgage payments for the ocean front park but that the town is making progress on the park and it is being paid for by grant money.

**ACTION** – Commissioner Fuller **MADE THE MOTION** to adopt the budget as amended. Commissioner Nelder seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Mayor Lambeth commended Commissioner Fuller and the Citizens Budget and Finance Committee for doing an excellent job.

Commissioner Fuller thanked the Finance staff at Town Hall for doing the number crunching.

Commissioner Nelder thanked Commissioner Fuller and the people who assisted him with the budget for the wonderful job in balancing the budget without having to increase taxes.

#### **6. Adoption of a Code of Ethics**

Mr. Canoutas stated that the legislature in NC is requiring all boards and councils to adopt a Code of Ethics. The ordinance must be adopted by January of 2011, by law. He put together what he thought was necessary and proper to include in the code and presented it to council last week to read and consider.

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

**REQUEST** – Mayor Lambeth requested that the clerk prepare the approved Code of Ethics for signature.

#### **7. Request from Town Resident to Buy Numbered Post with Town Logo**

Mayor Lambeth stated that he has received a request from Mr. Norman Tonucci, a Kure Beach resident, who wishes to use the town's logo on a post to be erected at his residence.

The post that was created by R.A.G.S. sign company was displayed during the meeting.

The following comments were made:

- The town's logo has been recently trademarked by the town.
- There should be a decision on what signs are allowed to be used in the town to keep things standardized.
- Any object that displays the town's logo should be approved by council before it is allowed to be used in order to protect the integrity of the logo.
- These posts should be used only as a secondary number for a residence, but the main house number will need to be affixed according to the town's ordinance regarding house numbers.
- There will need to be a standard as far as placement of the posts inside of people's yards and in compliance with set-back regulations.
- Originally, these posts were intended to identify the beach access entrances. They were never intended to be used in people's yards as numbers for their houses.

Commissioner Fuller feels that as long as the post doesn't conflict with town ordinances, council should approve the resident's request.

ACTION - Commissioner Fuller MADE THE MOTION to approve Mr. Tonucci's request to use the town logo on a post that he is going to erect in his yard subject to the following limitations: 1) that it not exceed the size of the logo displayed on the sample at Town Hall, 2) that it not be used for commercial or other inappropriate uses and 3) that the erection of the post not conflict with the house numbering requirements existing in the town ordinances. Commissioner Dugan seconded the motion. THE VOTE CARRIED 4 TO 1, AS FOLLOWS: Mayor Lambeth and Commissioners Dugan, Nelder and Fuller were FOR and Mayor Pro Tem Keener was AGAINST.

#### **8. Recommendation to Appoint an Ad Hoc Committee to decide on Uniform Signage for the Town**

Commissioner Nelder discussed the need to have an ad hoc committee to examine and ensure uniform signage for use within the town. He proposed that one member from each of the following committees be made a member of the ad hoc committee: the Parks and Recreation Committee, the SLAP Committee, the Beach Protection Committee, the Planning and Zoning Commission and the Beautification Committee.

Mayor Pro Tem Keener suggested that the town's police chief, the Public Works director and the building inspector be included in the committee.

Candace Clark, co-chairperson of the Beautification Committee stated that R.A.G.S., the people who created the post that was on display at Town Hall, did a presentation to council already. She said that council liked the design and voted to pay R.A.G.S. \$750 for the design scheme for the entire town. She wanted to know whether, in light of this, it was necessary to form another committee.

Mayor Pro Tem Keener said that an ad hoc committee would be redundant if the town has already approved a design concept.

Commissioner Nelder said he felt that the initiative to move forward with the uniform town signage had stalled and that it needed to be brought back to the table for clear decisions and directions to be made. He said the mission statement of the ad hoc committee would be to recommend implementation of sign usage to the council.

Mayor Lambeth recommended that the mission statement should state that, using the sign design that the council has already adopted, the ad hoc committee find a common sense way to meld the design into future use by the town.

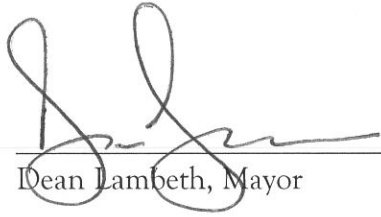
ACTION - Mayor Lambeth MADE THE MOTION to have Commissioner Nelder find the design work that has already been approved by council from R.A.G.S. and bring it back to council with his recommendation. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



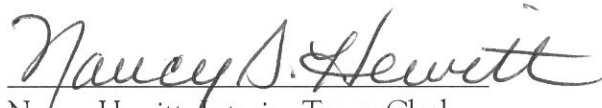
ACTION - Commissioner Dugan made the motion that council accept the separation document signed by the previous Town Clerk, Kaysie Pralle, regarding her severance package. Commissioner Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

#### ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn at 8:11 pm. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Dean Lambeth, Mayor



Nancy Hewitt, Interim 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.