

TOWN COUNCIL REGULAR MEETING MINUTES - JULY 20, 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
Fire Chief	Harold Heglar
Police Chief	Dennis Cooper
Public Works Director	Sonny Beeker
Town Clerk	Nancy Avery
Finance Officer	Arlen Copenhaver

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 Andrew Pasedag of the Carolina Beach Alliance delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

PRESENTATIONS TO COUNCIL

1) Wrightsville Beach Mayor Cignotti invited Kure and Carolina Beach boards to join them for a breakfast or lunch in either September or October in an effort to work closer with the beach towns since the towns share a lot of common issues.

Mayor Cignotti stated that both Wilmington and Wrightsville have issues with mini bars and are asking ALE for local flexibility and more local control and input in the permitting process and training of officers to enforce ALE laws. Once the bill is crafted, the police chiefs for both Kure and Carolina Beach will be asked to look it over and Representative McComas will be asked to sponsor the bill.

2) Rick Catlin of the Wilmington-New Hanover Port, Waterway & Beach Commission stated:

- New Hanover County has a dependable partnership with the state and federal government, but there is a lack of needed federal funding.
- It is not sustainable to wait for a hurricane to come along to re nourish our beaches.
- If we had our own permits, we might have been able to complete projects and get full renourishment
- County management has selected a consultant to work on a contingency plan providing for alternatives and strategies to local cost share, possibly allowing partial funding with the Federal government and designing a countywide permitting plan rather than for an individual beach, etc. We have the money but not the authority.

MOTION - Mayor Lambeth made a motion to support the Wilmington-New Hanover Port, Waterway & Beach Commission regarding development of a contingency plan for beach renourishment.

SECOND - Commissioner Nelder

VOTE - Unanimous

3) Mike Burchell, Assistant Professor and Extension Specialist for NC State University stated:

- The Town has had two dune infiltration systems in operation since 2006 on L and M Avenues and installed one on Atlantic Avenue in February of 2009.
- The system uses sand dunes as a sand filter as water moves laterally. Water going through sand has less potential to make swimmers sick than water going directly to the beach. The technology has been around for awhile, but it is new for it to be used at an ocean interface. The water is diverted underneath the ground into a sub surface chamber that directs the water towards the beach.
- 97% of storm water is diverted and kept away from the beach. Since starting the project, only 3% has drained onto the beach. The goal was for 50%. Fecal bacteria levels with this system are significantly reduced – up to 98% less.
- He plans to continue monitoring until the end of 2010 and will make recommendations as to where else in town this can be done. Some pipes are clogged and will need some repairs, but the systems are holding up well.
- He would like to partner with the Town to do several one day workshops for academia.

MOTION – Commissioner Nelder made the motion to support going forward with the project in any way we can to help.

SECOND - None

The motion died for lack of a second.

Mayor Lambeth called for a five minute recess at 7:20pm.

Mayor Lambeth resumed the meeting at 7: 25pm.

4) Bob Fitzsimons – Chairman of the Parks and Recreation Advisory Board stated:

The disc golf course will be on 14 acres. Ken Withrow has drawn a rendition of the course for you to view. Castle Hayne is the only competition in the area.

Mr. Fitzsimons introduced Michael Jones, designer of the course and a champion master disc golfer.

Mr. Jones stated:

- Anyone can play, children or seniors.
- When designing the course, we try to eliminate as few trees as possible. It is designed so the first hole is at the parking lot and the last hole ends at the parking lot. We kept the design so that it wouldn't interfere with the Fire Department or Public Works access.
- There are different types of discs as there are different types of golf clubs, and he demonstrated throwing the disk into the goal.
- The course should be finished by the end of September.

Mr. Fitzsimons requested a \$450 payment to Michael Jones and Christopher Richards each for laying out the course. The money is from the county Parks & Recreation Park Bond Referendum Funds.

MOTION – Mayor Pro Tem Keener made the motion to transfer \$900 from the Governing Body training and travel line item in the council budget to pay Michael Jones and Christopher Richards \$450 each for design of the disc golf course. The money is to be reimbursed from the New Hanover County Parks & Bond Referendum Fund.

SECONDED – Commissioner Dugan

VOTE – Unanimous

Mr. Fitzsimons stated that the new Finance Officer for the Town said there is a need to turn the books over to the Town. His committee will finish up this session that ends this week, and will turn the records over to the Town. From a fiduciary standpoint, it is good for the Town to take back control of the money.

Mr. Fitzsimons also stated money is needed to pay the Community Center Committee costs for custodial fees for opening and closing the facility for the Parks & Recreation classes. The fees will be passed on to participants to recoup \$500 in custodial fees to pay the Community Center and to cover expenses for paper towels, toilet paper, etc.

MOTION – Mayor Lambeth made the motion to transfer \$500 out of wherever the Finance Officer finds appropriate for Parks & Recreation to cover the \$500 custodial fees to the Community Center Committee.

SECONDED – Commissioner Nelder

VOTE - Unanimous

Mr. Fitzsimons said the tennis courts are going to be repaved and should be ready in September. There are grants available from the US tennis association for facility assistance to offset some cost of courts and for a quick start children's program to pay for smaller nets and special equipment for children.

DEPARTMENT HEAD ITEMS

1) Public Works Director Beeker stated the following items needed to be taken care of prior to opening the disc golf course:

- The area Public Works uses as storage needs to be fenced in and funding is needed for this.
- Additional signage is needed when crossing the road as there are pick up trucks and heavy equipment passing through several times a day which is a safety factor.
- The treatment plant will need a new gate installed because Public Works will have to start using it instead of the one near the course.
- Everyone needs to understand that in case of emergency that particular area is set aside for debris storage. The disc golf course will have to come in second or be rebuilt.
- Adjacent property owners should be notified about additional traffic near their homes if they have not already been notified.

Police Chief Cooper commented that the disc golf course area needs to be accessible to the police.

Director Beeker stated that they are getting started on the tennis courts and it should be a month turnaround. Replacement of lights is needed as they are not efficient and the court is dark. An upgrade on power is also needed. He will get estimates on fencing, as referenced above, and on lighting and an upgrade on the electric for the tennis court.

Commissioner Fuller asked the attorney to look at closing the park at dusk to give the police something enforceable and bring it to the August meeting.

2) Building Inspector Batson stated he has been receiving increasing calls about weddings on the beach and wants Council's blessing to draft language through Planning & Zoning to regulate activities.

Attorney Canoutas stated this wouldn't go through Planning and Zoning and he will work with Inspector Batson on the wording.

Mayor Lambeth requested it be brought to the August meeting.

Inspector Batson said that his department has an intern through the summer and that his secretary has resigned. The intern has also been doing the secretary's duties, and he would like to pay the intern \$10 an hour since he started for this extra work.

MOTION – Commissioner Nelder made the motion to authorize the Building Inspector and Finance Officer to pay the intern for additional duties performed since the secretary resigned at one hour a day, 5 days a week at \$10 an hour plus any auxiliary fees.

SECOND – Commissioner Fuller

VOTE - Unanimous

PERSONS TO ADDRESS COUNCIL

1) Bo Goodman of 513 S. 5th Avenue said he had received a letter about possibly installing additional street lights. He stated that his neighbors don't want lights. He thinks council should look at what people in that area want. Why spend the additional money?

Mr. Goodman also stated that Atlantic Beach, South Carolina installed wireless internet for the town at no cost. Is that something Kure Beach can look into?

2) Randy from the Kure Beach Village Board stated their concern about controlling the deer population. He suggested putting contraceptives in with the food.

APPROVAL OF CONSENT AGENDA

1. Administration & Finance Department report – June 2010
2. Fire Department report – June 2010
3. Police Department report – June 2010
4. Meeting Minutes
 - 6/15/2010 Public Hearing budget
 - 6/15/2010 Regular
5. Appoint Donna Budd to Community Center committee
6. Declare FD 2006 Polaris Ranger as surplus and authorize Chief to sell
7. Adoption of FY10-11 Fee Schedule in compliance with FY10-11 budget

MOTION – Mayor Lambeth made the motion to add two items to the consent agenda: Building Department report and appointment of Mitch Klein to the SLAP committee. Remove item # 6 declaration of Fire Department 2006 Polaris Ranger as surplus for discussion under new business item # 1.

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – Mayor Lambeth made the motion to approve the consent agenda as amended.

SECOND – Commissioner Fuller

VOTE - Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Nelder made the motion to adopt the agenda as amended to add a new item on declaration of the Fire Department 2006 Polaris Ranger as surplus.

SECOND – Commissioner Dugan

VOTE - Unanimous

OLD BUSINESS

1) Additional street lights

Commissioner Keener stated that one person on 3rd Avenue requested a street light. Can we put up one light for the person that wants it?

Chief Cooper stated that the overwhelming majority are against streetlights. One person in the three hundred block of Third Avenue wants it.

MOTION – Commissioner Dugan made the motion to maintain the status quo based on the overwhelming replies against and continue to monitor.

SECOND – Commissioner Nelder

VOTE - Unanimous

2) Request For Qualifications for architectural firms for the development of the Ocean Front Park

Commissioner Dugan stated that seven architectural firms responded to the Town's request for qualifications. The sub committee made up of the Mayor, Commissioner Dugan and Public Works Director Beeker met with Brian Cox of Engineering Services on July 7, 2010 and narrowed the selection to two firms:

LS3P & Associates LTD

Lisle Architecture & Design

The Town Council was given the opportunity to review all qualifications received. The Engineering Services contact suggested choosing one firm to try to reach negotiations and if that can't be done, then choose another rather than doing simultaneous negotiations with both.

The sub committee recommends negotiating with LS3P initially. They think Lisle will be more expensive.

MOTION – Commissioner Dugan made the motion to enter discussion with LS3P regarding architectural design with whatever portion can be built with grant funds.

SECOND – none

The motion died for lack of a second.

Discussion:

Do we have to pick one? (Keener)

The engineer said either could do a good job, one would be more expensive than the other. (Lambeth)

We need to make sure we treat them the same – apples for apples – giving them the same information. (Beeker)

I'm concerned we have to be under construction in October of this year. The storm water grant has to be used by March. (Fuller)

If the state permit drags longer, we will have to apply for an extension on the grant. (Keener)

This project is unfunded in FY 10-11 budget. Hard facts are that the money has to put up front. (Lambeth)

All grants are reimbursable, so we have to come up with funds to finance up front. There may be options we can pursue. (Copenhaver)

The first part on storm water has been taken care of – we are okay. To build the building, you have to match the grant and we don't have financing for that. (Keener)

What was the basis for eliminating the others? Did the proposals include the fee? Isn't the architect's fee a % of the construction costs? (Fuller)

The base office was not local was one of the reasons. Fees are immaterial to us because we are going to be talking to them about a fixed amount for their services. (Dugan)

All the firms could do the work. We looked at the type of work done, areas done in, and what matched up with our project, location, etc. (Beeker)

Were there only 2 with municipal experience? (Keener)

All but one had municipal experience. (Dugan)

A local firm is less travel time. (Lambeth)

I would prefer getting a proposal from each one before choosing. (Nelder)

MOTION – Mayor Pro Tem Keener made a motion to ask both companies to give a price.

SECOND – Commissioner Nelder

VOTE - Unanimous

MOTION – Commissioner Fuller made the motion for the Finance Officer and Town Clerk to move \$100,000 from the general reserve fund to the capital project fund in the budget to be reimbursed when grants funds are utilized.

SECOND – Commissioner Keener

VOTE - Unanimous

3) Adoption of lease agreement between Comspeco and the Town for installation and operation of a radio communication system on the Town's northernmost water tower. Compensation to the Town is \$300 per month for the Settlers Lane water tower, for an annual sum of \$3,600.

Mayor Lambeth stated discussion with Comspeco started at least 6 months ago. This agreement is for the use of the Settlers Lane water tower only and Comspeco will furnish electricity with an annual income to the town of \$3,600 annually.

Discussion:

Are they charging citizens for Wi Fi? Any idea of the rate? (Nelder)

Yes, they will charge, but we don't know the rate. (Lambeth)

The Charter franchise is exclusive; we can't allow competition. If another wireless internet provider wants to also use the tower, we could allow. (Fuller)

Is there sufficient room on the tower? (Dugan)

Yes. (Beeker)

In the minutes from the November 2009 meeting, the Town Administrator stated Comspeco would provide the town and town parks free Wi Fi. (Fuller)

If they are paying for electric, there will be a need for a meter to be installed. We will need to look at the specs. \$3,600 a year is not a lot, but it won't cost the Town anything and will offer service to the citizens. (Heglar)

MOTION – Mayor Lambeth made the motion to accept the lease agreement with Comspeco contingent upon the approval by the Fire Chief with the condition of providing electrical specifications for electric service and the approval of the Public Works Director with location of the antenna.

SECOND - Commissioner Keener

VOTE - Unanimous

NEW BUSINESS

1) Request by Fire Chief to declare 2006 Polaris Ranger surplus and authorization to sell

Commissioner Nelder asked about the proper procedure for declaring surplus and selling an item.

Fire Chief Heglar stated:

- The Fire Department is a little different because the Fire Department pays some of the cost and the Town pays some.
- The Polaris fizzed out, and I put it on Craig's list and got a good offer.

Commissioner Nelder asked if the Fire Department equipment bought by the volunteer fire company needs to go through the Town's procedures.

Attorney Canoutas replied that property bought by the volunteer fire company becomes Town property.

Town Clerk Avery explained that the ordinance authorizes the clerk to declare surplus and dispose of personal property valued at \$500 or less, but doesn't address items valued at more than \$500. Avery stated that she had searched council minutes as far back as the Year 2000 and did not find a policy addressing this so there is a gray area for items over \$500 that need to be declared surplus.

MOTION – Commissioner Nelder made the motion to authorize the Fire Chief to dispose of the 2006 Polaris Ranger and authorized him to sell it.

SECONDED – Commissioner Dugan

VOTE – Unanimous

2) Introduction of new Finance Officer and Oath of Office

Commissioner Fuller introduced Arlen Copenhaver stating:

- He comes to the Town with great qualifications.
- He holds a CPA from the state of Pennsylvania.
- He has worked for several companies and for TIAA-CREF as an internal auditor.
- He is a resident of Kure Beach.

MOTION – Commissioner Nelder made the motion to remove Commissioner Fuller as the interim Finance Officer and appoint Arlen Copenhaver as the Finance Officer.

SECOND – Commissioner Dugan

VOTE - Unanimous

Mayor Lambeth administered the Oath of Office to Finance Officer Copenhaver.

3) Introduction of new Town Clerk and Oath of Office

Commissioner Keener introduced Nancy Avery stating:

- She came to us originally from the Town of Belville, where she was Town Clerk.
- She worked for the Town of Kure Beach as Town Clerk from 2006 – 2008.
- She worked for the Town of Fenwick Island, Delaware from 2008 to June of 2010.
- She has multiple experience in tax collection, annexation, planning and zoning.
- She will be officer manager and benefits and personnel manager in addition to Town Clerk.

MOTION – Mayor Lambeth made the motion to remove Mayor Pro Tem Keener as the interim Personnel Officer and appoint the Town Clerk as Personnel Officer.

SECOND – Commissioner Nelder

VOTE - Unanimous

Mayor Lambeth administered the Oath of Office of Town Clerk to Nancy Avery.

4) Appointment of Nancy Hewitt as Deputy Town Clerk

MOTION – Mayor Lambeth made the motion to appoint Nancy Hewitt as Deputy Town Clerk, committee coordinator and newsletter editor.

SECOND – Commissioner Fuller

VOTE - Unanimous

Mayor Lambeth administered the Oath of Office of Deputy Town Clerk to Nancy Hewitt.

5) Adoption of organizational chart

MOTION – Mayor Lambeth made the motion to adopt the proposed organization chart.

SECOND – Commissioner Fuller

VOTE – Unanimous

Said organization chart is herein included as part of these minutes.

6) Vote to adopt BB&T resolution assigning the following as authorized check signers:

Finance Officer Arlen Copenhaver

Mayor Lambeth

Mayor Pro Tem Keener

Finance Commissioner Fuller

Commissioner Dugan

MOTION – Commissioner Fuller made the motion to adopt the BB&T resolution assigning Finance Officer Arlen Copenhaver, Mayor Lambeth, Mayor Pro Tem Keener, Finance Commissioner Fuller and Commissioner Dugan as authorized check signers.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

7) Discussion of fireworks over the 4th of July weekend and possible options

Commissioner Nelder stated that over the Fourth of July weekend, he was concerned about brush fires with people shooting off fireworks in the residential areas. He commented that he thinks we need to do something.

Fire Chief Heglar stated:

- we try to track down and stop as much in the residential area as we can, but we are not going to be able to stop it on the beach.
- either place, by the time you lock up five, there will be five more setting off fireworks.
- this year, there was an east wind, so there was not as much danger.
- the Police were on the beach and handled it as best they could.

Police Chief Cooper said we do our best and work the west side of Ft Fisher primarily. The volume is so much, there is no way we can put a dent in it, and that's in the residential area. The officers on the beach are on ATVs and shut one down, but others start up again behind them.

Commissioner Fuller suggested a neighborhood watch during the 4th of July in case of fire; not to try to stop it but just to notify the Police or Fire Departments.

Chief Cooper replied that a neighborhood watch would work for fire prevention, but a lot of the neighborhoods are the ones that are doing the fireworks.

8) Oil Spill Preparedness meeting held by Congressman McIntyre on July 12

Mayor Lambeth stated he attended a meeting with Congressman McIntyre regarding the possibility of the Gulf Coast oil spill reaching the North Carolina shore and prevention suggestions.

9) Discussion/consideration of scheduling a public hearing for a P&Z recommended Ordinance amendment adding new section (163) and language to Chapter 15 on Subdivisions regarding single family attached residential dwellings

Building Inspector Batson stated:

- Town houses are currently being deeded as a condominium which brings hardships to the owner.
- Getting insurance and financing are difficult for a two unit condo.
- He has been getting phone calls about this issue for the last few years.
- One resident in particular offered to get his attorney to draft something to take to Planning and Zoning.
- Planning and Zoning attorney Holt Moore reviewed it, and Planning and Zoning voted to bring it to council.

Commissioner Fuller stated that a duplex built as a condo no longer has to comply with the state condo laws. It can be considered a town house.

Commissioner Nelder stated the problem is getting refinancing because it says condo on the deed.

Mayor Lambeth asked the difference in fire code.

Building Inspector Batson replied that town houses have to have a two-hour fire wall and condos require only a one-hour fire wall.

MOTION – Commissioner Fuller made the motion to schedule August 9th at 6:30 pm or soon thereafter for a public hearing for taking comments on the proposed amendment.

SECOND - Commissioner Nelder

VOTE - Unanimous

MOTION – Commissioner Fuller amended the motion to change the date of the public hearing to August 17th, 2010 as part of the agenda of the regular council meeting as the first item at 6:30 pm, or soon thereafter.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

CLOSED SESSION

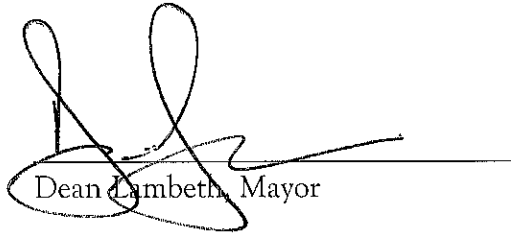
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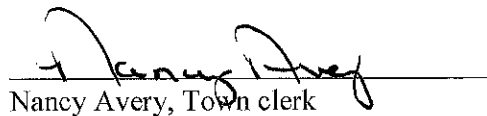
ADJOURNMENT

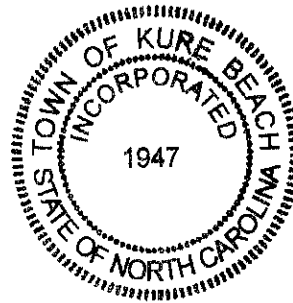
MOTION – Mayor Pro Tem Keener made the motion to adjourn at 9:52 pm.

SECOND – Commissioner Dugan

VOTE - Unanimous


Dean Lambeth, Mayor


Nancy Avery, 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.