



TOWN COUNCIL REGULAR MEETING MINUTES – AUGUST 17, 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. Planning and Zoning attorney Holt Moore was in attendance for the public hearing. 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, delivered the invocation and led in the Pledge of Allegiance.

1. PUBLIC HEARING

Consideration of a proposed amendment to Chapter 15 (Subdivisions) of the Code of Ordinances regarding residential single-family attached developments by Declaration of Covenants and recorded plat(s) and conversion of certain other types of residential dwelling units to residential single-family attached units.

Mayor Lambeth opened the public hearing at 6:35 pm stating the reason for the hearing is to receive public comments on a proposed amendment as referenced above.

Mayor Lambeth asked Building Inspector Batson to give a brief history:

Inspector Batson stated:

- This has been a problem and was brought to his attention about three years ago.
- The overlying issue is that a lot of duplexes are classified as condos or one big piece of property.
- This has been a problem to property owners with issues of shared insurance and property lines and makes it hard to get financing. The drafted ordinance addresses this. If you have a condo or are building a duplex, this will allow it to be classified as a town home.
- A typical townhome has two separate lots whereas most condos are built on one lot. The Town of Carolina Beach allows townhomes and subdivision of the lot only for the property the unit sits on. This ordinance is drafted around that nature.

Public comments

None

MOTION - Mayor Lambeth made a motion to close the public hearing at 6:38 pm.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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Discussion:

Commissioner Fuller asked Mr. Batson if he is satisfied this will cover life saving issues such as common walls.

Building Inspector Batson replied yes, item 6 states that there is specific documentation that I have to have to sign off on.

Commissioner Fuller asked the Building Inspector if he thinks this ordinance gives him enough information to deal with problems between property owners regarding shared walls, etc. Does this ordinance have something set up to cover this types of thing.

Mayor Lambeth stated he would like it to say if converted to a townhouse, there needs to be an engineering stamp to have it converted. I don't want the Town to have the liability. I want wording in the ordinance.

Commissioner Fuller suggested amending paragraph 6 to add 'to include an engineering stamp drawing'.

Attorney Holt Moore commented that item # 11 addresses creation of a new Home Owners Association (HOA) which requires the attorney to certify.

Mayor Lambeth asked if this nullifies state requirements for covenants?
Attorney Moore replied yes.

MOTION - Commission Fuller made the motion to amend paragraph # 6, second sentence to add 'to include an engineer approved drawing' and to amend paragraph # 11 to add 'and the aforementioned engineer approved drawing'.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Paragraph # 6, second sentence would read:

Conversion of any other type unit, such as previously constructed townhouses or condominiums, to single family attached units requires the applicable departments of the Town be provided adequate evidence that the unit was built to the building code applicable at the time of construction for construction of townhouses *to include an engineer approved drawing*, and if no such applicable code existed at the time of construction, the unit was built to the building code applicable a the current time for construction of townhouses.

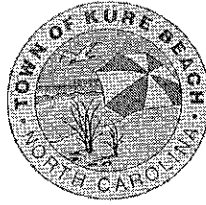
Paragraph # 11 would read:

The approval of the conversion of condominium units to single family attached units under this section is conditional, subject to the filing of an attorney prepared certificate *and the aforementioned engineer's approved drawing* that specifies that the new HOA for the single family attached complex is similar to the previous condominium HOA.

MOTION – Commissioner Fuller made the motion to adopt this ordinance as amended.

SECOND – Commissioner Nelder

VOTE - Unanimous



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Said ordinance amendment is herein included as part of these minutes.

Other comments:

Dan Wilcox, Carolina Beach commissioner, stated that generally speaking, if you build a duplex and retain both sides, it is not a townhouse, but a duplex.

There is no other mechanism to handle dual ownership except a town house. When the other unit is sold to someone else there has to be a mechanism to handle the HOA. It is not really a condo, which is at least 3 units. This has been a problem in the industry. The distinction between condos and town homes is firewalls – 2 hour firewall is required for a town home. The electrical has to run through that unit with independent meters.

Duplexes are side by side and property ownership becomes difficult particularly with over under more than side by side.

I don't want people to think that because this ordinance passed, that those that have built duplexes in the past can come to the Town to get relief under this ordinance. Most don't qualify to become townhomes because most are built with one hour firewalls. Those with duplexes that want to relieve insurance issues can't just come and change to a town home.

2. RECOGNITION AND AWARDS

None

3. PRESENTATIONS TO COUNCIL

a. Dan Wilcox regarding Island Day

Mr. Wilcox stated:

- He is on the Town Council for Carolina Beach and a member of the boardwalk make over committee.
- There is a wonderful opportunity for continued shared respect and support between Carolina Beach and Kure Beach by having shared events and putting something together between the towns to extend the cooperative effort we have come to enjoy.
- Island Day will be held September 26 from noon to 5 pm. This event will bring citizens from both towns together for a common event. There will be a dunking booth, hot dogs, sack races, etc to celebrate the success of the season. The Carolina Beach Arts committee is hosting the event to be held at the lake. It is free to the public and not for profit. This is a true joint venture between the chamber, the makeover group, police, fire and Parks & Recreation (P&R) departments from both towns. We want this to be an annual event with Kure Beach hosting next year.
- It won't cost anything except town involvement.

Mayor Lambeth stated that the Kure Beach P&R committee members have attended some meetings. The chamber has arranged free ice cream, the beach protection committee will have a booth.



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- b. Brian Cox, Engineering Services, selection of architects and timeline for Ocean Front Park

Mr. Cox stated:

- He was asked to attend to take questions from council on the Ocean Front Park development and selection of an architect.
- Two architects were selected by council and both provided proposals.

Question and Answers:

- Q. Mayor Lambeth – What is the cost on the proposals if we have the building LEED certified?
- A. The LS3P proposal is \$47,000 without LEED certification. To accedit LEED, there is an additional \$32,000.

The Lisle Architect proposal provides a base design fee. It doesn't give a direct cost for LEED certification, but I guess it would be within the \$32,000 range.

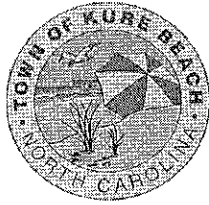
Mayor Lambeth – I don't see where the plaque is worth the cost.

- Q. Commissioner Fuller – The cost of just LEED certification is 75% of the cost of the design?
- A. Yes.
- Q. Commissioner Fuller – what is the value of a LEED certification to the Town if we build to LEED standards?
- A. The ability to advertise it as a show place. Quality wise, it makes no difference.
- Q. Commissioner Dugan –so it is just a feather in our cap? Quality is the same, certification or not, is that correct Brian?
- A. Yes, that's correct.
- Q. Mayor Lambeth – isn't there an on going myriad of paperwork to get and keep LEED certification?
- A. Yes.

Commissioner Dugan – we haven't ever taken the position we wanted it certified.

- Q. Mayor Pro Tem Keener – What is the \$49,300 for Lisle?
- A. It is for the architect to maintain LEED paperwork and maintain the design. \$15,500 of the cost is during construction to maintain records.

Is he going to build to LEED certification for \$38,300?
Yes. \$38,300 + \$15,500 for the construction process.



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- Q. Commissioner Nelder – Where are we on the storm water design?
A. We are working on getting the storm water and CAMA permits. This will take 45-60 days, then we can move towards construction.

Will we meet all of our deadlines?

Yes. We can also submit for an extension on the grant.

- Q. Commissioner Dugan – There are multiple facets to the park; the pavilion, road, landscaping, tot lot, boardwalk, etc. Can we speed it up if all the work is going on at same time?
A. How fast we can go on the project is dependent on accessing the property. There is only one access. I recommend that the next project is the pavilion. You don't want to do the road first and then have heavy traffic bringing in construction material for the pavilion. The last project should be the road and pavers.

Commissioner Fuller – I question some of that logic. We want to protect the road once it is finished, but there will be heavy trucks normally on the road.

- Q. Commissioner Fuller asked if we will begin construction of the storm water part in October?
A. Mr. Cox replied that is correct, then the architectural design process will take 2-3 months and the construction process will take 6-8 months.

Mayor Pro Tem Keener – This works ok with the grant cycle. The last won't be in until November.

- Q. Commissioner Fuller – Doesn't that put construction of the pavilion in to the spring and summer of next year? We are going to have heavy trucks on Atlantic Avenue in April, May and June of 2011.
A. It would put construction into late winter next year. Bids for construction would be in January, 2011.

Mayor Lambeth – Parking will be taken out when the storm water work begins. There will be room to get trucks in there.

Commissioner Fuller – I'm concerned about concrete being poured. Where will the construction workers park? Will it take up parking spaces near pier? We need to define where they will park.



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4. PERSONS TO ADDRESS COUNCIL

Tony Gonsalves, chairman of the Shoreline Access and Parking (SLAP) committee, stated that the committee is:

- Working with the Department of Transportation (DOT), Mayor Pro Tem Keener and Public Works Director Beeker on pedestrian crossings (item # 1) and sidewalks on K Avenue.
- Looking at asking AT&T to give us a right away access for additional parking at the corral.
- Re doing the white lines on Fort Fisher Boulevard.
- Planting palm trees on K Avenue and 3rd Street where the orange posts are. We will lose 3-4 parking spaces.
- Looking at the possibility of putting parking between south 3rd and 4th Streets on K Avenue
- Adding parking (P) signs in town. Do you want us to do Town Hall and the Community Center?

Mayor Pro Tem Keener replied that the Community Center is included.

Consensus of council - include Town Hall for parking signs.

Mayor Lambeth asked if there were any budget numbers for this?

Mr. Gonsalves replied no.

Mr. Gonsalves also stated that the committee had always talked about putting parking at Joe Eakes park and it has been brought to his attention that for disc golf they are going to put in 90 parking spaces. SLAP was never asked about this and it should have come through our committee. The artist rendition showed parking going farther back into the army area and I don't know if we have authorization to do so. I am being an advocate so everyone knows what is going on. I want your blessing for SLAP to take that over and investigate.

Mayor Lambeth replied that the parking plan was for it to be grass only and used for overflow parking.

Mr. Gonsalves asked about adding a bathroom at Joe Eakes park.

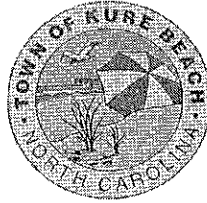
Commissioner Fuller stated he thought Sunny Point turned us down. Mayor Pro Tem Keener replied that they did.

Mr. Gonsalves replied that there may be other land to use.

Consensus of council – SLAP should investigate parking for the disc golf course.

Mayor Pro Tem Keener asked what happened to the plan to build a fire house on the corral area?

Commissioner Fuller stated we still have the plans, but it isn't something that's going to happen soon. Fire Chief Heglur said we are looking for grants.



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Mayor Pro Tem Keener asked how far can we go with getting an easement and paving for parking in the corral?

Commissioner Fuller responded that I wouldn't pave it because of the long range plan.

Mayor Lambeth commented that he wouldn't consider paving the corral. We can use it as is and come up with a better plan for people to use it.

Commissioner Nelder stated that Kure Memorial Lutheran church wants to know if they can get another handicapped parking spot either on a permanent or moving basis for Sunday mornings and evenings.

Chief Cooper said to ask them to contact him and he will look into it.

5. APPROVAL OF CONSENT AGENDA

- a. Appoint Mitch Klein to the Beautification committee
- b. Resignation of Sandra Whaley from the Shoreline Access & Parking committee
- c. Resignation of Emilie F. Swearingen from Ocean Front Park Utilization committee
- d. Administration & Finance Department report – July 2010
- e. Building Department report – July 2010
- f. Fire Department report – July 2010
- g. Police Department report – July 2010
- h. Council meeting Minutes
 - 7/20/10 Regular
 - 7/26/10 Special – choice of architects for Ocean Front Park

MOTION – Commissioner Fuller made the motion to approve the consent agenda with the removal of the note from the clerk on waiving two applicants for committees.

SECOND – Commissioner Dugan

VOTE -Unanimous

Commissioner Fuller stated that the clerk said the previous Council minutes waived the requirement for two applications for committees. I don't agree with this, I thought it was on a case by case basis.

Council consensus – the clerk is to revisit the minutes.

Commissioner Dugan asked if we are we sending thank you letters.
Town Clerk Avery replied yes.

6. ADOPTION OF THE AGENDA

MOTION - Mayor Pro Tem Keener made the motion to approve the agenda with no changes.

SECOND - Commissioner Nelder

VOTE - Unanimous



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Mayor Lambeth called for a 10 minute break at 7:25 pm.
Mayor Lambeth resumed the meeting at 7:35 pm.

7. DEPARTMENT HEAD ITEMS:

Building Department

a. Beach measurement

Building Inspector Batson introduced intern Corey Mullins who presented a slide show and statistics on beach erosion.

Building Intern Corey Mullins stated:

- He appreciates the opportunity to further his education in environmental studies by serving as an intern for the Town.
- The objective was to measure the beach at certain points using the 11 benchmarks given by the US Army Corp of Engineers. The beach was measured weekly at low tide from June 7th to August 6th, 2010, from the Riggings to Alabama Avenue.
- A GPS navigation device was used to measure the difference in feet between the benchmark and the low tide mark, then the base of the dune elevation was subtracted from the low tide mark.
- We found that the measurements fluctuate all the time.
- There is a declining erosion line and we are losing beach.

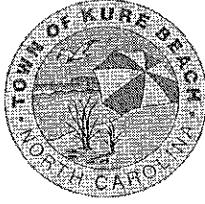
Mr. Cullen provided Council with a graph showing the fluctuations. This graph is herein included as part of these minutes.

Discussion followed as to whether it would be beneficial to continue measuring the beach on a weekly basis and that a university student might be interested in assisting. Inspector Batson is to contact the Corp of Engineers to see if they use the measurement data provided to them.

b. Schedule a public hearing for comments on the proposed amendment to Chapter 19, Article VI (Signs) recommended by Planning and Zoning (P&Z)

Building Inspector Batson stated:

- P&Z has been working on the amendment for 3 years. They sent it to Council once and Council returned it.
- I think it is ready for Council.
- The biggest complaints during the public hearing were the height and square footage in the B1 district.
- I have measured each sign in the B1 and P&Z went through and made changes they felt were necessary.
- P&Z reviewed the amortization scale which was also a big issue during the public hearing.



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P&Z chairman Craig Galbraith stated:

- There was concern before about the 8 foot height limit, so we went to 12 feet. Then there was concern about that, so we went to 14 feet.
- There was also concern about changeable copy signs so we expanded the amendment to allow changeable copy signs. In terms of the amortization, the maximum of other ordinances is 7 years. We included a 3 year extension for a continuous owner, which gives them a 10 year amortization. This doesn't apply if it is sold to someone else.
- Council told us to use the Sawyer document as a model and that proposes no pole signs, 8 foot in height, and exterior lighting. This amendment is in compliance with the Sawyer document.

Mayor Lambeth asked if there is an option for a business to have a sign declared as part of their logo, so it is a historical option.

Mr. Galbraith stated it does allow a business to apply for a historical exemption.

MOTION – Commissioner Fuller made the motion to schedule a public hearing for September 21, 2010 at 6:30 pm as part of the regular Council meeting.

SECOND – Commissioner Nelder

VOTE - Unanimous

- c. Request from P&Z for clarification and direction on burying power lines and associated cost

Commissioner Fuller stated the draft P&Z minutes didn't address the burying of power lines.

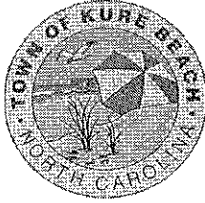
Clerk Avery responded that since the minutes were copied front and back, it didn't pick up all the minutes and provided a complete copy of the draft minutes to Council.

Chairman Galbraith reviewed the discussion at the P&Z meeting about grants for burying electric lines.

Building Inspector Batson stated that Ocean Isle is just now finishing burying power lines and it took about 10 year. He stated he spoke with the Town Manager at Oak Island where they have 8400 properties and they received an interesting quote when compared with what Progress Energy quoted.

Chairman Galbraith said P&Z has done what they were asked to do by getting information and there is nothing more we can do.

Consensus of Council: P&Z has done all they can reasonably do and can remove this from their agenda.



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- d. Request from P&Z to form an ad hoc sub committee to establish form based planning in the B1 and zoning overlay.

Chairman Galbraith stated:

- This is something Council asked us to look into, form based planning and zoning overlay. It is driven by the Sawyer study which requires some sort of form base planning for design and characteristics.
- This is not trivial and requires a lot of time to put together. There is a general feeling that it should be done by some sort of special committee, a sub committee of P&Z was our first thought, but we decided it should be a Council committee to include some P&Z members and others.
- We think the selection of members in terms of commitment is important. This will require public hearings, knowledge of the business community and form based planning.
- We are asking Council to form a committee with P&Z members playing significant roles. Given the significance of this and the time involvement, we feel it should be Council designation to form a committee, not P&Z to make sure people are committed to the time it will take.

Commissioner Fuller asked about the ad hoc committee P&Z already has.

Chairman Galbraith responded that only two people applied and nothing was taken forward from that, nothing has been done.

Commissioner Fuller stated that the ad hoc committee is still there, Council authorized it in July or August of last year with Donna Bud and Charlie Allow as members along with a member from the Shoreline Access and Parking committee and Chairman Galbraith.

Commissioner Dugan asked what size committee? Do you see this as a committee that has one function only and then it disbands?

Chairman Galbraith responded 6-8 people that can make the time commitment and have the ability to understand form based planning.

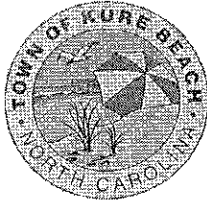
Commissioner Fuller asked if P&Z couldn't do this.

Chairman Galbraith said no, it is too time consuming.

Commissioner Fuller asked why Mr. Galbraith thinks it is more likely that more people will volunteer this time than they did last summer?

Chairman Galbraith replied that he thinks Council can take a more proactive role in designating people.

Commissioner Fuller asked about getting a consultant to put together a rough draft.



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Chairman Galbraith responded that we don't need a consultant because there are plenty of model ordinances we can consult.

Mayor Lambeth commented that he had hoped with the lack of development, that P&Z could prioritize this.

Chairman Galbraith stated we need direction from Council. If you want P&Z to take it, we will or if you want a sub committee to do it, that's okay too.

Mayor Lambeth asked for a general explanation of form based planning.

Chairman Galbraith stated that currently planning is zoning driven and has been for the last 60-70 years. You can build any kind of building no matter what it looks like. We only regulate the landscaping. Form based planning says what do we want the community to look like and regulates colors, designs, type of stairways (such as metal) so that when someone wants to build in a particular district they know what the building has to look like.

MOTION – Commissioner Fuller made the motion to direct P&Z to write a perspective of what an ad hoc committee will do, what members will comprise it and the time frame of how long they will function and what they will be expected to do. The whole purpose of the committee is to pass on to P&Z their conclusions for P&Z to finalize.

SECOND – Commissioner Nelder

VOTE - Unanimous

Finance Department

Proposed revision to the Employee Cell Phone Reimbursement Policy

Finance Officer Arlen Copenhaver stated the purpose for revising the Employee Cell Phone Reimbursement Policy is two fold:

1. To provide consistency as currently there are varying rates disbursed.
2. Change the way we reimburse. Currently, it is done through accounts payable, but needs to be through payroll per IRS regulations.

We recommend a \$60 a month reimbursement so the net amount after taxes would be \$50, the amount consistent with what is being reimbursed to employees now. We recommend an increase from \$30 a month for council members to \$60 a month also to be consistent. Reimbursements range from \$50 - \$35 a month. This policy is addressing just reimbursement of business use of personal cell phones not the other side which is use of town phones.

Commissioner Fuller asked the cost of increasing the rate from \$50 to \$60 and would we have to make any adjustments to the budget.

Finance Officer Copenhaver replied the cost to the Town would be FICA taxes, or around \$3.00 a month, and no adjustment would need to be made to the budget.

Mayor Pro Tem Keener asked if we are in trouble with the IRS?

Mr. Copenhaver stated we are not doing this the correct way.



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MOTION - Commissioner Nelder made the motion to adopt the proposed revision to the Employee Cell Phone Reimbursement Policy as indicated in the suggestion written by the Finance Officer.

SECOND – Commissioner Lambeth

VOTE - 4 to 1 in favor with Commissioner Fuller voting against.

Said revised policy is herein included as part of these minutes.

Fire Department

Discussion and consideration of \$17,000 estimate to upgrade/renovate lighting system and electrical for tennis courts

Chief Heglar stated he researched suppliers in Wilmington and was offered a package for \$17,000 to upgrade and renovate the lighting and electrical system for the tennis courts. The normal estimate was \$29,000. \$17,000 is as good as we are going to get. There were 6 lights on the court, but there will be 12 after the renovation.

Commissioner Fuller asked the cost of installation.

Chief Helgar replied that installation is being done in house with his crew and the public works crew.

MOTION –Commissioner Dugan made the motion to approve the upgrade/renovation to the lighting and electrical system for the tennis courts with the \$17,000 estimate.

SECOND - Commissioner nelder

VOTE – Unanimous

Said estimate is herein included as part of these minutes.

Police Department

Discussion and consideration of:

- Declaration of 2004 Ford Crown Victoria vehicle as surplus and authorization to Chief to use as trade in on purchase of budgeted new vehicle
- Authorization to Finance Officer to obtain financing for budgeted purchase of a 2011 Ford Taurus

Chief Cooper explained he is requesting Council declare surplus the 2004 Ford Crown Victoria vehicle and allow use as a trade in on the purchase of budgeted new vehicle. He also requests Council authorize the Finance Officer to obtain financing for the budgeted purchase of a 2011 Ford Taurus.

MOTION – Commissioner Dugan made the motion to allow the chief to declare surplus the 2004 Ford Crown Victoria vehicle and use it as a trade in on the purchase of a budgeted new vehicle.

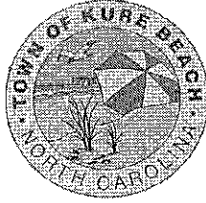
SECOND – Commissioner Nelder

VOTE - Unanimous

MOTION – Commissioner Nelder made the motion to authorize the Finance Officer to pursue financing for the budgeted purchase of a 2011 Ford Taurus.

SECOND – Commissioner Dugan

VOTE – Unanimous



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Public Works Department

- a. Discussion and consideration of request from Underwater Archaeology to tap into Town's water system. Location is outside town limits.

Public Works Director Beeker stated:

- Underwater Archaeology is located right at the Fort Fisher museum, which is outside town limits.
- They have been using a well and want to tap into the Town's water system.
- A line is there already for the museum and a meter.
- We can make another water tap out front, run a line and tie in or let them tie into the existing line into the museum and bill through the one meter.
- The cost would be \$1500 for the water tap fee.
- The Town would be out of a user fee if they didn't use a tap.
- I need Council's ok for them to tap in since they are outside our jurisdiction.

MOTION - Commissioner Fuller made the motion to authorize Underwater Archaeology to tap into the Town's water system and if they can tie onto the existing line at the museum, waive the tap fee and sewer option of the impact fee.

SECOND - Commissioner Dugan

VOTE - Unanimous

- b. Discussion and consideration of \$11,000 estimate for proposed fencing between Public Works area and Disc Golf Course

Public Works Director Beeker presented an estimate for a fence and gate to be put between the site for the disc golf course and Public Works area at a cost of \$11,000.

MOTION - Commissioner Fuller made the motion to approve placing a fence between the Public Works area and the disc golf course at an estimate of \$11,000.

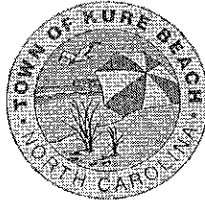
SECOND - Commissioner Nelder

VOTE - Unanimous

- c. Discussion and consideration of 10 foot wide easement request from AT&T/Bellsouth to place fiber cable underground on the north and west side of the Town Hall facility. Purpose is to connect AT&T building on K Avenue to the cell tower equipment. Work to begin 9/1/10.

Public Works Director Beeker stated:

- When talking it over with the Town attorney, there was concern about issuing an easement in case the Town ever wants to expand the Council room.
- I met with Steve Dayvault, the engineer for AT&T and discussed options.
- I spoke with Mr. Dayvault about an access easement on AT&T's property (the corral) for parking for the Town.



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- I hope we can work something out so we won't have to grant an easement. We could run conduit at an approximate cost of \$300 and 2-3 hours of labor to put it in for AT&T's use and in turn, maybe AT&T would allow us easement on their property.

MOTION Mayor Pro Tem Keener made the motion to let Director Beeker move forward with providing conduit for AT&T's use and in exchange request an access easement to AT&T's property.

SECOND – Commissioner Nelder

VOTE - Unanimous

- d. Public Works Director Beeker stated the update on the tennis courts is there is a delay. The courts are torn up. The completion date is between September 15th – 20th. We need to notify Parks & Recreation to reschedule their tennis lessons
- e. We will be starting improvements on the bocce ball court soon and replacing the carpets.

Council consensus – Town Clerk is to notify Parks & Recreation committee to not schedule tennis lessons before 20th of September.

Town Clerk

- a. Discussion and consideration of proposed amendment to Chapter 2 (administration) Article V, Town Property regarding surplus property

Town Clerk Avery explained two changes to the ordinance on surplus property are being requested:

- 1) Change limit the clerk is authorized to declare surplus from \$500 to \$5000
- 2) Provide procedure for Council to authorize surplus items valued at more than \$5000

Discussion involved concern that we are raising the amount quite a jump, don't want to hamstring the departments, making sure property that needs to be declared surplus goes through the Town Clerk, and what threshold do we go to advertise to our citizens that have paid taxes for the items.

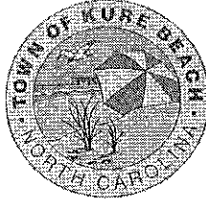
MOTION - Commissioner Nelder made the motion to adopt the proposed amendment to Chapter 2 (administration) Article V, Town Property regarding surplus property with the addition of the following wording at the end of section 2-162: 'items valued between \$500 and \$5000 shall be placed on the Town's website as available for purchase prior to disposal with the exception of a vehicle to be used as a trade in'.

SECOND -Commissioner Fuller

VOTE - Unanimous

- b. Discussion and consideration of request from retired employee

Town Clerk Avery explained that the Town had received a letter from retired employee Ben Jones requesting the Town pay 100% of his dental and vision insurance. Currently the Town pays 100% of Mr. Jones 'medical insurance. Mr. Jones retired a year and half before Council changed the



TOWN COUNCIL REGULAR MEETING MINUTES – AUGUST 17, 2010 at 6:30 PM

personnel policy to state the Town will pay 100% of ‘medical’ insurance to the Town will pay 100% of ‘health’ insurance. It goes to the definition of ‘medical’ or opposed to ‘health’.

Discussion involved comments that the former employee retired one year and a half before the benefit was provided to others that retired since that date, number of years of service of the employee (33), the fact that the employee was dependable, and whether there any issue with making this change for one employee only.

MOTION - Mayor Pro Tem Keener made the motion to include 100% payment for vision and dental insurance for retired employee Ben Jones effective September 1, 2010.

SECOND - Commissioner Dugan

VOTE – Unanimous

Council consensus –Finance Officer to look at projecting cost of future payments for retiree health insurance. Last November Council voted to make a change to the retiree health insurance requirements. Council needs a long range view of costs.

8. OLD BUSINESS

- a. Discussion and consideration of proposed pricing from two architectural firms for development of Ocean Front Park Pavilion

MOTION – Mayor Lambeth made a motion to recuse himself from voting as he has had a working relationship with Lisle Architects, one of the firms to be considered.

SECOND –Commissioner Fuller

VOTE - Unanimous

Mayor Lambeth turned the meeting over to Mayor Pro Tem Keener

Commissioner Fuller asked Brian Cox of Engineering Services if there was any reason to favor one proposal over the other?

Mr. Cox replied that six applicants responded and we picked two. I favored LS3P, but at that point Council wanted proposals based on cost. On that requirement, Lisle Architect is the one as theirs is the lower cost proposal.

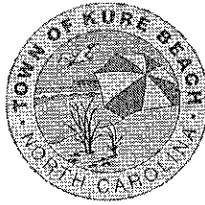
MOTION – Commissioner Dugan made the motion to accept the LS3P proposal.

SECOND – None

Motion died due to lack of a second.

Discussion:

- LS3P has more background – bigger firm – done things like this in the past – easier working relationship with company that has more experience (Dugan)
- We narrowed down it down to two, did you think they were both qualified? (Fuller)
Yes, they have older, more established company and are a hungry company. It is not a terrible decision either way per the engineer. (Dugan)



TOWN COUNCIL REGULAR MEETING MINUTES – AUGUST 17, 2010 at 6:30 PM

- Why would you want to spend \$9,000 more for LS3P? (Mayor Pro Tem Keener)
For their background and experience. There have been a number of times when we had a discussion here, that the mayor said he has talked with Lisle Architects. (Dugan)
- We talked with Brian (engineer) – he is comfortable if we select either one (Mayor Pro Tem Keener)

MOTION – Mayor Pro Tem Keener made the motion to select Lisle Architect as the architect for the development of the Ocean Font Park.

SECOND – Commissioner Dugan

VOTE – Unanimous

The proposal from Lisle Architects is herein included as part of these minutes.

MOTION – Mayor Pro Tem Keener made the motion to bring the mayor back in to the meeting.

SECOND – Commissioner Fuller

VOTE – Unanimous

Commissioner Fuller stated to the mayor that he wouldn't have had to recuse himself if this had gone through the engineer and all the procedures would have been followed. We don't want the hint of impropriety. I'm not saying that anything untoward happened.

- b. Discussion and consideration of proposed administrative policy regarding hours of operation for Joe Eakes Park

Town Attorney Canoutas read administrative policy # 2010-01 setting the hours of operation for Joe Eakes Park as:

Park and facilities	sunrise to sunset
Tennis courts	sunrise to 11 pm

MOTION – Commissioner Nelder made the motion to adopt policy number 2010-01 as read.

SECOND - Commissioner Fuller

VOTE - Unanimous

Commissioner Fuller asked how do we enforce the policy?

Town Attorney Canoutas replied that we put up signs. The police can run them out or charge them with trespassing.

9. NEW BUSINESS

- a. House address survey

Commissioner Dugan stated that there have been informal conversations with the Inspections Department. We plan on surveying the whole town and locations with no addresses or inadequate addresses, the Building Department will send letters to owners to get them properly addressed for emergency management.



TOWN COUNCIL REGULAR MEETING MINUTES – AUGUST 17, 2010 at 6:30 PM

b. Street signs

Mayor Pro Tem Keener said he met last week with Public Works Director Beeker, SLAP committee chairman Tony Gonsalves, and Beautification committee chairman Ken Withrow after a meeting with the Department of Transportation and the subject of street signs came up. In October of last year, we found out that Council had accepted a recommendation from RAGS as A standard for the Town. Does this mean the Town has to use this standard?

Discussion included concern that RAGS cost was too high, could we buy a logo and match the design without having all that information routed on there, this is an unbudgeted item, there is some money for signs in the SLAP committee budget, signs might be stolen, it doesn't cost Town anymore to paint white or bleach white, could leave the logo off until we have the money, the idea is to proceed with RAGS concept without RAGS price tag.

Public Works Director Beeker stated that Council needs to figure out what they want to do. It would be more feasible to do at less expense instead of \$200 per post cost. We would need to find someone that can do the decal and need idea of how we want to start the process. Do we use RAGS when we replace a sign?

MOTION - Mayor Pro Tem Keener made the motion to direct the Beautification committee to review the proposed sign concept from RAGS to propose alternative materials and cheaper concept and a date to begin.

SECOND - Commissioner Fuller

VOTE - Unanimous

10. CLOSED SESSION - NONE

Commissioner Fuller stated he needs to be excused from the September meeting. He won't be able to attend.

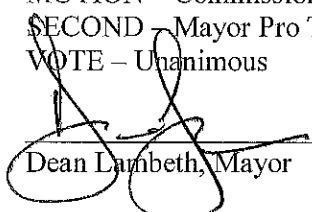
Council consensus – Town Clerk to add to the agenda for the September meeting to excuse Commissioner Fuller from the meeting.

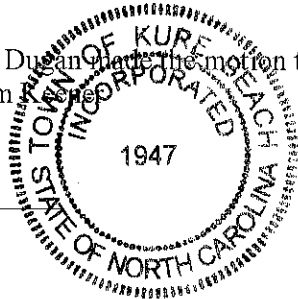
11. ADJOURNMENT


MOTION – Commissioner Dugan made the motion to adjourn at 9:50 pm.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous


Dean Lambeth, Mayor



ATTEST: 
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.



Town of Kure Beach
Cell Phone Reimbursement Policy
Revised by vote of council 8/17/10

This policy is designed to govern the relationship between the Town and an employee (for the purposes of this policy, the term "employee" also includes Commissioner) who is reimbursed for business use of a personal cell phone. Under the terms of this agreement, the Town may elect to reimburse an employee for business use of a personal cell phone in lieu of providing the employee with a Town-owned cell phone. The following clauses are agreed to by the Town and the employee:

- The option of reimbursing an employee for cell phone use rather than providing a Town-owned phone is at the sole discretion of the Town and the employee's supervisor.
- Provision of a cell phone is not an employee benefit. It is a business tool issued by the Town for the purpose of conducting Town business. Therefore, the reimbursement in lieu of a Town-issued phone is offered under the same conditions and for the same purpose. It may be revoked at any time for any reason by the Town, and is subject to annual budgetary approval.
- An employee's shared use of a personal phone for both Town and personal business does not imply that personal use of the phone is reasonably acceptable during an employee's time at work.
- The Town shall make a monthly payment of \$60 to the employee approved pursuant to this policy for the monthly reimbursement. Payment will be made during the payroll processing of each month as part of the employee's regular paycheck and will be subject to standard payroll withholdings, tax payments and other withholdings by the state and federal government. Payments to Commissioners will be made on a quarterly basis (\$180 per quarter) as part of the regular processing of compensation, subject to all applicable withholdings. In lieu of receiving the \$180 quarterly reimbursement, a Commissioner may opt for a Town-owned cell phone at a cost not exceeding \$180 per quarter.
- The Town will not compensate an employee for the cost of new equipment, and will not be held liable for damage or repair costs of equipment.

- The amount of reimbursement will not be influenced by the amount the service is used for business purposes. Unusually high activity on the line of service due in part to its use for business purposes will not entitle the employee to an increase in the reimbursement amount.
- The phone number to be used by the employee on their personal cell phone must be a local phone call from the Town of Kure Beach. The phone number must not be changed throughout the term of employment.
- The phone number for the personal service may be distributed by the supervisor as he/she sees fit for the purposes of the Town. The fact that the phone line is also the personal number for the employee will not be considered when deciding how to distribute the number.
- The employee will be expected to answer the phone in an appropriate fashion for business purposes. Likewise, voicemail greetings should be appropriate for business as well.
- The employee must maintain an active cell phone contract as long as a cell phone reimbursement is in place. A copy of the first page of the invoice showing the name and amount may be requested periodically by the Department Head for the employee to continue receiving the reimbursement.
- Department Heads may employ additional rules and procedures governing cell phone use specific to their department as an addendum to this policy.
- This agreement may be amended at anytime by the Town.

I, the undersigned, have reviewed this policy and agree to abide by its terms.

Employee Signature:

Date:

PROPOSED AMENDMENT TO CODE OF ORDINANCE
CHAPTER 2, ARTICLE V TOWN PROPERTY

Date: 8/17/10

Amendment in bold italics

Sec. 2-161. Surplus property

a) Surplus property valued at \$5,000 or less

The Town Clerk is hereby authorized, pursuant to G.S. 160A-266(c), to dispose of any surplus personal property owned by the Town whenever the Town Clerk determines that:

- (1) The item or group of items has a fair market value of less than five ***thousand*** ~~hundred~~ dollars (~~\$500.00~~-***\$5,000***);
- (2) The property is no longer necessary for the conduct of public business; and
- (3) Sound property management principles and financial considerations indicate that the interest of the town would best be served by disposing of the property.

(Ord. of 7-16-85, § 1)

State law references: Method of sale of personal property authorized, G.S. § 160A-266(c).

b) Surplus personal property valued at more than five thousand dollars (\$5,000)

The Town Council shall authorize, pursuant to G.S. 160A-266(c), the disposal of any surplus personal property owned by the Town whenever it is determined that:

- (1) The item or group of items has a fair market value of five thousand dollars (\$5,000.00) or more;***
- (2) The property is no longer necessary for the conduct of public business; and***
- (3) Sound property management principles and financial considerations indicate that the interest of the Town would best be served by disposing of the property.***

(Ord. of 7-16-85, § 1)

State law references: Method of sale of personal property authorized, G.S. § 160A-266(c).

Sec. 2-162. Disposal of surplus property.

a) Surplus property valued at five thousand dollars (\$5,000) or less

The Town Clerk may dispose of any such surplus personal property by any means which the clerk judges reasonably calculated to yield the highest attainable sale price in money or other considerations, including but not limited to the methods of sale provided in G.S. article 12, chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period. The clerk shall consider the following options:

Trade in towards purchase of new vehicle or equipment
Advertisement for sealed bids
Private negotiation and sale
Negotiated offer, advertisement (newspaper or town website) or public auction
(Ord. of 7-16-85, § 2)

Items valued between five hundred dollars (\$500) and five thousand dollars (\$5000) shall be placed on the Town's website as available for purchase prior to disposal with the exception of a vehicle to be used as a trade in.

2) Surplus personal property valued at more than five thousand dollars (\$5,000)
The Town Council shall direct disposal of any such surplus personal property by the following means:

Trade in towards purchase of new vehicle or equipment
Advertisement for sealed bids
Private negotiation and sale
Negotiated offer, advertisement (newspaper or town website) or public auction

Sec. 2-163. Sale of surplus property.

The surplus property shall be sold to the party who tenders the highest ~~offer~~ offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner. The town clerk is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Clerk may retain the property, obtain any reasonably available salvage value or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Town Council.

(Ord. of 7-16-85, § 3)

Sec. 2-164. Reports on surplus property.

The Town Clerk shall, on or before the first day of February, report in writing to the Town Council on any property disposed of under these provisions from July 1 through December 31 of the previous year. The Town Clerk shall, on or before the first day of August, report in writing to the Town Council on any property disposed of under these provisions from January 1 through June 30 of that year. The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last such report was submitted.

(Ord. of 7-16-85, § 4)

Adopted by unanimous vote of council on 8/17/10.

Dean Lambeth, Mayor

ATTEST: _____
Nancy Avery, Town Clerk

PROPOSED AMENDMENT TO
SECTION 15-163 SINGLE FAMILY ATTACHED RESIDENTIAL DWELLINGS

The following regulations shall apply to residential single-family attached dwellings:

- (1) Purpose: To provide for residential single-family attached developments in the Town of Kure Beach by Declaration of Covenants and recorded plat(s) following approval by all applicable departments of the said Town, and to provide for conversion of certain other types of residential dwelling units to residential single-family attached units.
- (2) Definitions:
 - a. Single-family attached development: Two to four single-family dwelling units constructed in a series or group of attached units with property lines on the ground separating such units from other units and from common area. No unit shall be connected on more than two (2) sides by common walls with other units.
 - b. Residential single family attached dwelling: A dwelling unit designed for use by a single-family. Units previously platted and approved as townhouses or condominiums may be converted to residential single-family attached units.
 - c. Vertically bounded units: Condominium units bounded by solely vertical boundaries; "side-by-side" units.
- (3) Acreage requirement: None.
- (4) Minimum setback requirements: Those setbacks applicable to Residential Planned Unit developments as provided for in Article 15 of these ordinances.
- (5) Establishment of lots within Single Family Attached developments:
 - a. Vertically bounded units: Lot size is determined by the structure foundation, in that the lot may not exceed the perimeter of the structure foundation, and the lot shall be located immediately beneath such foundation.
- (6) Applicable building code: All building codes applicable to the construction of residential townhouses shall be applicable to single-family attached dwellings. Conversion of any other type unit, such as previously constructed townhouses or condominiums, to single family attached units requires the applicable departments of the Town be provided adequate evidence that the unit was built to the building code applicable at the time of construction for construction of townhouses to include an engineer approved drawing, and if no such applicable code existed at the time of construction, the unit was built to the building code applicable at the current time for construction of townhouses. In no event may less that all of the units in a development be converted.
- (7) Conversion of vertically bounded condominium units to single-family attached units: A plat, or plats, conforming to the requirements of Article IV, Chapter 15, must be reviewed and approved as required by Article III, Chapter

15 of these ordinances. Said duly approved plat(s) shall be recorded in the New Hanover County Registry prior to any conversion becoming effective. Prior to such recordation, the condominium regime shall be dissolved in accord with the provisions of North Carolina General Statutes Chapter 47C-2-118 or Chapter 47A-16, as applicable.

- (8) Conversion of townhouse units to single-family attached units: Townhouses conforming with the provisions of this ordinance and those for townhouse construction are deemed to be single-family attached units.
- (9) Miscellaneous applicable ordinances, codes and regulations: In the absence of other clearly applicable ordinances, codes and regulations, those ordinances, codes and regulations applicable to platting and construction of townhouses shall apply. In the absence of ordinances, codes and regulations applicable to townhouses, the ordinances, codes and regulations applicable to platting and construction of planned unit developments shall apply.
- (10) Additional allowed Housing Type: Housing unit types allowed by the Kure Beach ordinances shall include single-family attached dwellings, a/k/a single-family attached units.
- (11) The approval of the conversion of condominium units to single family attached units under this section is conditional, subject to the filing of an attorney prepared certificate and the aforementioned engineer approved drawing that specifies that the new HOA for the single family attached complex is similar to the previous condominium HOA.

Adopted by vote of Council 8/17/10

Dean Lambeth, Mayor

ATTEST: _____
Nancy Avery, Town Clerk



Policy number: 2010-01

ADMINISTRATIVE POLICY – HOURS OF OPERATION
JOE EAKES PARK

The Town Council of the Town of Kure Beach adopts the following administrative policy establishing hours of operation for Joe Eakes Park as:

Use of park and facilities excepting the tennis courts Sunrise to Sunset

Use of tennis courts Sunrise to 11 pm

Adopted by majority vote of Town Council this 17th day of August, 2010.

Dean Lambeth, Mayor

ATTEST: _____
Nancy Avery, Town Clerk

Note – enforcement is via trespassing laws.