

TOWN COUNCIL REGULAR MEETING MINUTES - September 21, 2010 at 6:30 PM

COUNCIL MEMBERS PRESENT:

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

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. Major Watts of the Salvation Army delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

Mayor Lambeth announced the resignation of Commissioner Fuller.

PUBLIC HEARING

Opening of Public Hearing

Mayor Lambeth opened the public hearing at 6:34 pm stating the purpose was to receive public comments regarding a proposed amendment to Chapter 19, Article VI (Signs) of the Code of Ordinances.

Mayor Lambeth asked Planning and Zoning (P&Z) Chairman Galbraith to provide a brief synopsis of the proposed amendment.

Chairman Galbraith stated:

- This amendment represents two years of effort on the part of P&Z, and this is the second part of the amendment.
- Council passed the section of the code dealing with prohibited signs.
- This section deals with number, size and height of signs.
- The motivation for the amendment is beautification, and it becomes part of economic development.
- P&Z looked at 200 different sign ordinances. Every community on both coasts is looking at sign ordinances. We looked at design elements, and the first version of the amendment we presented allowed no pole signs, 8 foot height maximum, no interior illumination and no changeable copy signs. Comments at the public hearing were that it was too restrictive.
- P&Z presented a second version of the amendment to allow 12 foot height maximum and changeable copy signs, and a second public hearing was held by Council.

- The second public hearing brought out two issues. One was amortization. We proposed 5 years originally; 7 years is the maximum. No other towns had longer than 7 years. Second issue was height. A 12 foot height maximum raised concerns about how many nonconforming signs there would be. We had the Building Inspector measure the signs in the B1 district. There would be 12 signs out of conformance with a 12 foot height.
- Two months ago we re-evaluated and allowed a 7 year amortization with a clause that if the property owner is the same, he/she can apply for a 3 year extension for a total of 10 years. We raised the maximum height to 14 feet and expanded the changeable copy section so that only 6 signs would be out of conformance. We allowed 14-foot pole signs, allowed certain interior lit signs while encouraging exterior lit, and expanded changeable copy signs.

Public comments

Jerry Hammill of Hammill Construction Inc. stated:

- I buy and sell land and have a lot of money invested in the island since 1948.
- The word is out in Kure Beach Village and Beachwalk, I have good friends in both places, that two years ago this was tabled by Council. I thought we were done with it. Some people in Town want it to be a perfect, gated community. It is going to be hard to get it that way.
- As taxpayer, we have too many committees. We are in a recession. Seems to me like committees are in high gear. We need to get in low or 2nd gear. More rules and regulations are coming out year after year; more than we need.
- If I remember it right, it was tabled a year ago and here we are again.

Tom Humphries, restaurant owner, stated:

- I have restaurants in the downtown area. This is the first time I have seen this since I attended P&Z in May or June when the Building Inspector was asked to measure each sign. Tonight for the first time I asked for a list because I haven't seen it.
- I think this is ridiculous. I would love to have an LED changeable sign instead of paying someone to go up on a ladder to change my sign. I don't see anything wrong with that. My sign will be nonconforming if this passes.
- The Building Inspector stated that Jack Mackerels, Southwind motel, the Old Pier House, the Trading Post, Jim Ring Realty and the Blue Marlin Inn signs will be non conforming.
- To make us go out and spend money is ridiculous. There is nothing objectionable with my signs, and this about historical signs. My sign has been there since 1954. Do we want a committee to decide if a sign is conforming or not? Make this go away. There is no new business.

Ronnie Pernell, motel owner, stated:

- I consider this a bad ordinance; the worst since I've been here. I would like to see documentation on Mr. Galbraith's comments. It is not State law, but it is something written by a law professor.
- Why does it say delete B1, B2 and B3 at the top, can anyone answer?
- I don't think this was done for beautification.
- This essentially changes B1, B2, B3 districts to the word 'commercial.' Can anyone define 'commercial?'
- Referring to page two: I don't see how my sign can possibly be legal. My sign has 3 panels. The ordinance measures from the top of the sign to the bottom which is greatly more than 40 feet.
- The two face requirement: what does that mean? I can't get answers for this.

- Referring to page three on flags, how about my swimming pool sign? Is that going to go against my signage?
- It scares me that it says the Code Enforcement Officer is allowed to require additional information as determined. This is what is so bad. It asks abstract questions that are thrown on the Code Enforcement Officer. If I was him, I would be scared of this.
- It needs to be black and white in every area possible, so we don't get in trouble with enforcement which is where most law suits have come from.
- Page four on prohibited signs about conflicting or imitating traffic control device is probably a good thing, but it needs to be specific on what it is going to be.
- Item #8 states if a sign constitutes a nuisance or hazard due to intensity of light; awful. We need specifics.
- Item #10 on vehicle signs parked on property for purpose of advertising. Does this mean if I put a magnetic sign on my car I'm not legal to park on my property?
- Attractive and artistic signs are allowed but the problem is who is going to decide what's attractive and artistic? This is very vague. A lot is left to somebody's wild guess or mood. Is my 7-Up drink machine a sign or a drink machine? I can't tell from this sign ordinance. Will this go against my 40 foot signage that is allowed?

Gilbert Alphin, business owner, stated:

- I'm going to read one sentence. 'The purpose of the sign requirements is to promote and protect public health.' My sentiments are with Ronnie Pernell's comments. This amendment is amateurish, not professional; and whoever drafted this ordinance – the gentleman (Galbraith) has been to California but has never been to my shop. This is one more rock thrown at us. It is hard to make a living in Kure Beach. Our emotions, our blood pressure, anxiety are already high. These signs are our livelihood; how we get our income. This is not professional and is hazardous to our private health.

Closing of Public Hearing

MOTION – Commissioner Dugan made the motion to close the public hearing at 7:05 pm.

SECOND – Commissioner Nelder

VOTE - Unanimous

Discussion and consideration of proposed amendment to Chapter 19 as referenced above.

Mayor Lambeth asked the Building Inspector how many nonconforming signs we have if the amendment is passed. Inspector Batson replied six.

Commissioner Dugan stated that part of the problem is that the business owners and committee (P&Z) didn't get together. The Town has the responsibility to get a copy of anything proposed to people affected to give them time to consider. We need to keep talking to each other as much as possible.

Commissioner Nelder stated he is not sure it was tabled to begin with. He thinks the business people would be interested enough to attend these meetings to see what is going on, and at meetings you can raise objections. He commented that he knows they are busy and so is he, but he takes the time to go to meetings.

Mayor Lambeth said there have been valid points tonight and asked if anyone is prepared to make a motion to vote tonight. No motion was forthcoming.

RECOGNITION AND AWARDS – None

APPROVAL OF CONSENT AGENDA

- a. TDA request for lifeguard expenditure funding \$187,834.62 for FY10/11
- b. Revise section 'Commissioner vacancy' on page 3 of the Rules of Procedure for Town Council to read "As per GS 160A-63"
- c. Approval of job description for part time administrative assistant for Building Dept
- d. Reappointment of Charlotte Philemon, Lore Eccleston, Pam Bramhall and Linda Newton to Community Center committee – all terms have expired
- e. Proclamation P10-03 Constitution Week
- f. Budget amendment 11-01 increase capital outlay FD sale of surplus
- g. Budget amendment 11-03 transfer \$2,000 from GF Admin supplies to GF Admin Maintenance of Building
- h. Budget amendment 11-04 transfer \$615 from Community Center Maintenance to Community Center capital outlay for purchase of stove
- i. Budget amendment 11-08 transfer \$51.73 from PD maintenance of autos to PD capital outlay
- j. Administration & Finance Department report – August 2010
- k. Building Department report – August 2010
- l. Fire Department report – August 2010
- m. Police Department report – August 2010
- n. Accept resignation of Gary Cox from Beautification committee
- o. Approval of Council meeting Minutes – regular 8/17/10

MOTION – Commissioner Dugan made the motion to approve the consent agenda with no changes.

SECOND – Commissioner Nelder

VOTE - Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Nelder made the motion to adopt the agenda with no changes.

SECOND- Commissioner Dugan

VOTE - Unanimous

PRESENTATIONS TO COUNCIL

1. George Russell of Withers and Ravenel, landscape architects for the Ocean Front Park, presented some options and estimated pricing for landscaping and the tot lot for discussion.

Pervious pavers – Mr. Russell stated:

- In past committee meetings the theme for the Ocean Front Park was decided to be a fishing town with a nautical theme
- We recommend pervious pavers for an environmentally friendly park. Square interlocking with pea gravel in between will drain quickly in the event of a big rain or flood.
- Pavers are the most expensive option. The area is 4,900 square feet which will cost \$42,000. We recommend poured concrete as it is the least expensive. It has less aesthetic appeal and you don't get the pervious aspect

Commissioner Dugan stated he thought we were required to have permeable. This is the fist price we have talked about since the project started – don't know if this is doable or not.

Mr. Russell said we can put pervious pavers in certain locations to draw interest and that will keep the cost down.

Mike Robertson, business owner, asked what the sub grade is and how does one combat the sand we have here? It will get in between the pavers.

Mayor Lambeth replied that the area would be accessible for the Town's vacuum to clean it.

CONSENSUS of Council - go with permeable pavers

Southport style swings and benches – Mr. Russell stated:

We suggest placing 3 or 4 swings like the style of the ones located in Southport, NC in the interior of the park and placing benches with reversible backs on the boardwalk side and on the walkway area.

Bollards - Mr. Russell stated:

We recommend bollards to go along the outside of the walking path.

Mayor Lambeth stated we should use 10 inch by 10 inch wooden ones – stay with wood.

CONSENSUS of Council – stay with 10 x 10 wood bollards

Planters between bollards

Mr. Russell asked if there is any interest in placing planters in between the bollards.

Mayor Lambeth replied that we can discuss that later.

Trash receptacles

Mr. Russell stated trash receptacles will be wooden to match the bollards and pavilion.

Tot lot and park elements – Mr. Russell stated:

- The estimate for the play pirate ship is priced at the highest level and they are looking for other estimates. Will there be anything besides the pirate ship in the tot lot? We can fit in one or two other items if we scale down the pirate ship.
- Plaque placement – do you want plaques placed where everyone can see them or does it matter?

Mayor Lambeth responded that we can talk about it at a later date.

Fencing options

Mr. Russell asked Council if they want a privacy fence and, if so, wood and vinyl are the options.

The owner of Beach Burger restaurant asked if he is was talking about a fence behind the concrete wall.

Commissioner Nelder asked the owner (George) if his preference was for people to be able to access his restaurant from the park.

The owner (George) stated it would be good to have a walk through. The drawback is if people want to park on my property to go to the park.

CONSENSUS of Council – None

Handicapped entrance/ bike racks/ shade structures – Mr. Russell stated:

There is a little patio with a handicapped entrance that will need some sort of restraint to keep wheelchairs from falling off. We can talk about that later.

We anticipate heavy bike traffic in the area and recommend 15-20 bike spaces. We think in-ground installation is best.

CONSENSUS of Council - use powder coated steel 6 inch bike racks

There will be shade structures in the play area and over the pirate ship. Triangular sails are more expensive. We could use sails for a nautical theme, but it doubles the price of other types. There will be 800-1,000 square feet of play area – how much do you want to shade? The sails are easy to take down in a storm.

Mayor Lambeth stated we are providing shade from the overhang in the back of the public restroom.

Commissioner Nelder asked if the sails have SPF values. Mr. Russell replied he wasn't sure.

Mr. Russell stated that these big ticket items come to \$208,216.

Mayor Lambeth asked what the estimate for seeding is for. Mr. Russell replied it is for the lawn area.

Eric Vann, audience member, asked if the \$208,216 estimate includes plantings. Mr. Russell stated no, the estimate is for high end costs.

2. David Lisle of Lisle Architecture and Design presented the design of the pavilion and public restroom.

Mr. Lisle stated:

- This presentation is just for the pavilion and public rest rooms – not landscaping.
- The pavilion will be located on the southwest corner of the property with a 3,500 square foot print. Material is red cedar wood with roof overhangs of 5 feet, and the height underneath is 12 feet.
- The inside materials are of treated plywood, batten strips for durability and to allow displays for hanging art, for showing videos, etc. There are exposed trusses with lighting on top sloped to inhibit as much nesting as possible.
- There is a 24-foot span between the two posts and the plan is to enclose three separate areas or the entire area with impact-resistant, roll down glass doors.
- There is one men's restroom, one women's restroom and an area in between for an office, storage, or refreshment stand. Panels are along the back on the perimeter.
- The secondary building for the public restroom sits on the northeastern side of the lot. There is an overhang on the back section 12 feet wide that faces the tot lot area for parents watching children to sit out of the sun. The restrooms may be closed or locked and will have a total of 8 toilets/urinals.

Mayor Lambeth stated that the restrooms in the main building will be heated and air conditioned but not the rest of the buildings.

Comments from audience:

Mike Robertson, pier owner, stated that the public restrooms are not big enough. He has been providing bathroom facilities since he started and there are always lines every day.

Beverly Veals, resident, stated she doesn't like the option of having both doors for both restrooms at the same place. There should be separate doors on different sides of the public restrooms for security reasons.

Mike Robertson (above) asked if the timeframe for being open has been worked out.

Debbie Price, resident, asked if there is anything in the cupola or is it just for looks. Mr. Lisle replied it is only for venting to draw the air up and out.

Alan Votta, P&Z member, asked if there is the option of raising the roof line to add a sign so people will know it is a park. Will there be plantings on the back side? Mr. Lisle replied it is possible to both questions.

Mr. Lisle stated the building will be elevated 20 inches with three steps to access the pavilion to allow for some drainage.

Commissioner Nelder asked the height of the cupola. Mr. Lisle replied 34 feet.

Commissioner Dugan asked if it would be valuable to put a cupola on top of the public restroom. Mr. Lisle responded it will add to the cost and maintenance requirements.

Mr. Lisle stated that if this design is approved, we can come back with numbers in a couple of weeks, and we will look at changing the doors of the public restrooms.

Discussion and consideration of proposed design

CONSENSUS of Council – approve the proposed design with modification to the location of doors on public restrooms.

Mayor Lambeth called for a 10 minute recess at 7:50 pm
Mayor Lambeth resumed the meeting at 8:00 pm

3. Bryant Bass of 117 Leeward Court stated he is here to bring to the attention of Council the \$4,000 irrigation meters and inconsistencies in fee charges for second meters for irrigation. He has done research on what other municipalities charge and Kure Beach is not compatible. In 2009, the State passed that all new structures getting irrigation using city water must have a separate meter. Last year, the State changed the law to read that any lots plotted prior to 2009 do not have to comply. Any new areas such as a hotel must comply with the rule to have irrigation meters.

Mr. Bass said that Carolina Beach charges \$655.00, Cape Fear Public Utility charges \$235.00, Onslow County charges \$775.00 and the general consensus for other municipalities is in the \$770 range. He stated he wants Council to discuss and bring costs in line with other municipalities. We are charged double charges on water for sewer. As a builder on the island with 50' x 100' lots, the rule is 25 feet from the foundation of the house. There is not enough room on the lot.

Adding \$4,000 to the cost of an irrigation meter is doubling the cost for owners. \$4,000 is way above the mean of what everyone else is doing.

Commissioner Dugan said to Mr. Bass that in a previous conversation you said you didn't find out about the cost of the irrigation meter until the end of the project.

Mr. Bass replied that the statute adopted in 2009 was not enforced anywhere until recently. When there are new changes to State code and the Town is going to enforce new rules, maybe there should be a sign posted in the Building Inspector's office or on the outside posting board to make sure you can comply.

Building Inspector Batson replied that the Town doesn't enforce; the plumbing inspector enforces. We are charging impact fees only.

Mayor Lambeth suggested the Building Inspector and Commissioner Dugan get together and bring back recommendations to Council. He said we have to look at the long range impact to the Town.

Commissioner Dugan stated we have to pay for the total system.

Commissioner Nelder asked Public Works Director Beeker the cost of a meter.

Mr. Beeker replied \$90. On an irrigation meter, they pay only water at the commercial rate, not residential, with no sewer charge. We haven't changed anything. We are doing what we have always done. What changed is the State mandate. We need to look at whether we need to change what we are doing. We charge for water and sewer on one meter and most are using one meter.

CONSENSUS of Council - Commissioner Dugan, Public Works Director Beeker, and Building Inspector Batson are to get together and come up with a plan for cost of irrigation meters that is in the best interest of the people and the Town and bring it to Council

4. Beverly Veals of 1718-1 Swordfish Lane stated that she wants Council to add an ordinance to the Town Ordinances, Chapter 5 on Minimal Housing Code as per State Statute 160A 426b2 that gives a municipality the power to condemn property if 'It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.'" Municipalities may expand subsections a and b that became State law on October 1, 2009.

Mrs. Veals stated she believes this would be useful to the Building Inspector and the Police Department in giving them additional power. The addition to the ordinance would give the Town the jurisdiction to give notice to a resident to shape up or ship out.

Mrs. Veals requested this be added to the next Council agenda.

5. Scott Veals of 1718-1 Swordfish Lane stated he is renting now and hopes to purchase a home in Kure Beach. They moved here from Denver, CO for the healthy ocean air. He said we've noticed there is a residence on Swordfish where cars come and stop for few minutes, all day and night, and people beat on the door and yell trying to get someone to open the door. We've been awakened at night. We live on a dead end street. We have people that come to the community to buy illicit material from this resident. I think it is reasonable for my wife and children to be able to walk to the beach in peace. The Police have been cooperative in dealing with our neighbor. The resident owns the property, and he can use it as he sees fit. The Building Inspector's and Polices' hands are tied. This ordinance referenced by Mrs. Veals gives them the ability to tell the owner to shape up or ship out. This neighbor was indicted on a drug charge, and misdemeanor charges are pending for drinking and driving and driving without a license. If you want to clean up Kure Beach, these are

additional tools that can help law enforcement and the Building Inspector to facilitate that. I don't want this viewed as a vendetta tactic; everyone should have a chance. If residents feel threatened in a neighborhood and the Police and Building Inspector can't do anything, we want this to help. Every one deserves to live in peace and safety. This is a positive action to take to help Council deal with this situation. The Police have done a good job.

Commissioner Dugan stated he has seen the property and spoken with the Police. This is a question for the Police and Town Attorney. As far as the language 'intent on criminal activity,' this is a trailer but it could be a condo. It's not the building, but the people. We don't want something that will end up being negative against all trailers or townhouses. We want to give the Police and Building Inspector all the tools they need to do the best job.

Commissioner Nelder stated he has discussed this with the Building Inspector and attorney several times and their hands are tied. Wouldn't this ordinance help?

Town Attorney Canoutas replied that if you want to have this added to the ordinance, I can bring it to Council for review. If this were in effect today right now, it wouldn't help these people. The Police Department concurs with that. One incident doesn't make this property a crack house. My recommendation to Council is not to get involved with this because we will be sued. Accusations don't make it so; there has to be positive proof.

Scott Veal asked if when the resident is proven guilty, will this statute fly?

Town Attorney Canoutas responded it won't fly because there is a single incident. The City of Wilmington uses this ordinance for multiple incidents.

Police Officer Hubbard stated it wouldn't be a bad idea to enact this part of the ordinance for a situation where a house has been abandoned, and we can see people there doing illegal activity. We know there is illegal activity in this situation; an officer has been assaulted. We are in complete sympathy with the people on this street, but would this help us in general? Sure, if we have abandoned property that people are using for this type of thing it would be an excellent tool. Unfortunately, I'm not sure it will be a tool for what we want it to be.

CONSENSUS of Council—the Town Attorney, Police Officer Hubbard and the Building Inspector are to bring to Council language for a best case scenario with Officer Hubbard to be the lead.

6. Jerry Hammill, land owner, stated that as a taxpayer I feel this Town is in the best hands with Council, Police Chief, Fire Chief, Building Inspector, Attorney, Public Works and Town staff. I get answers and I didn't used to get answers, or I'd get them nine months later. I think the staff and people on the committees are doing a good a job. I feel like the tax money is being spent and the Town looks the best it has ever been.

DEPARTMENT HEAD ITEMS:

Building Department - None

Finance Department

1. Finance/Budget Officer Copenhaver asked Council to approve the following budget amendments stating:

- Amendment 11-02 is to bring the funds associated with the Parks and Recreation Committee under the control of the Town, whereas before it was handled solely by the committee. This encompasses renovations to the tennis courts and construction of the Disc

Golf Course which are expenses mostly reimbursed through the New Hanover County Park Bond money.

- Amendment 11-05 relates to having sufficient funds for everyday items such as cleaning of Town Hall. I propose using new revenue from the contract with Comspeco and an appropriation from the General Fund balance.
- Amendment 11-06 is to address a shortage in the budget for mailing of water bills and is being appropriated from the Water Fund.
- Amendment 11-07 is to increase the budget to cover actual audit fees.
- Amendment 11-09 is in the Building Inspector's budget for clearing of lots to bring in line with the ordinance. One incident put us over budget.

MOTION - Commissioner Nelder made the motion to adopt budget amendments 11-02, 11-05, 11-06, 11-07, 11-09 as presented.

SECOND – Commissioner Dugan

VOTE - Unanimous

2. Finance/Budget Officer Copenhaver asked Council to approve resolution R10-12 for the financing agreement with BB&T for a new 2011 Ford Taurus Police vehicle.

MOTION – Commissioner Nelder made the motion to approve resolution R10-12 for the financing agreement with BB&T for a new 2011 Ford Taurus Police vehicle.

SECOND – Commissioner Dugan

VOTE - Unanimous

Said Resolution R10-12 is herein incorporated as part of these minutes.

3. Finance/Budget Officer Copenhaver asked Council to authorize the closing of two bank accounts: Parks and Recreation and Health Account. He stated this ties into the earlier reference about Parks & Recreation Committee and the Health Account is no longer needed. The Town should save \$500 in annual bank fees.

MOTION – Commissioner Nelder made the motion to authorize the Finance/Budget Officer to close two bank accounts: Parks and Recreation and Health Account.

SECOND – Commissioner Dugan

VOTE - Unanimous

Fire Department - None

Police Department - None

Public Works Department – Public Works Director Beeker stated that we are finally getting to the stage where we can start construction on the water connection for Ft. Fisher and Assembly Avenue; however, T&H Construction has withdrawn their bid from the informal bid process. I recommend Council award the bid to Skinner Smith Construction at a bid of \$27,600 for the Fort Fisher connection and \$41,311 for Assembly Avenue. These costs are to be reimbursed from user fees to Ft. Fisher. The altitude costs estimate came in higher at \$19,311. The Finance Officer will have to find a way to cover the upfront costs until the user fees come in –possibly from the SERF fund.

MOTION – Commissioner Dugan made the motion to accept the bid from Skinner Smith Construction of \$27,600 for Fort Fisher connection and \$41,311 for Assembly Avenue.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Administration/Town Clerk - None

OLD BUSINESS - None

NEW BUSINESS

a. Fees for irrigation meters

Commissioner Nelder stated this item had already been taken care of earlier in the meeting.

b. MPO update

Commissioner Dugan stated he serves on the MPO, a Department of Transportation (DOT) committee made up of regional representatives from multiple counties that look at future projects. He said he wanted to make sure everyone is aware of the problems with the Skyway Bridge project. DOT and the State are broke and the Skyway Bridge isn't going to be built any time soon.

The DOT is attempting to set aside land on both sides of the Cape Fear River where the bridge will come in contact with New Hanover and Brunswick Counties. One side will be near Leland and their mayor is dead-set against it. The biggest dilemma the committee has is over telling land owners they can't build on their land for several years leaving the owner in limbo for years while the State decides whether it is going to build or not.

c. DOT projects

Mayor Pro Tem Keener stated he is presenting the following projects from the SLAP and Beautification committees. He said that committees are what run this Town.

He stated that the first project is to replace cones in the median at K Avenue and 3rd Avenue with a landscaping plan. The good news is that it has been approved by DOT at a cost of \$15,000 and DOT is to pay.

We need to approve Resolution R10-09 for replacement of orange cones in the median at K Avenue and 3rd Avenue with a landscaping plan.

Discussion:

How many parking places will we lose? (Dugan)

Three (Keener)

MOTION - Commissioner Dugan made the motion to approve Resolution R10-09 for replacement of orange cones in the median at K Avenue and 3rd Avenue with a landscaping plan.

SECOND - Commissioner Nelder

VOTE – Unanimous

The next project is placing five crosswalks on Ft. Fisher with markings and signs at the AFB Recreation Area, I and E Avenues, Kure Village Way, and Kure Dunes Lane. Mayor Pro Tem Keener stated that if there is any cost, it will come back to Council.

Discussion:

If marked, must drivers stop for pedestrians? (Dugan)

Yes (Police Officer Hubbard)

MOTION - Commissioner Nelder made the motion to approve going forth with five locations as recommended (Ft. Fisher with markings and signs at the AFB Recreation Area, I and E Avenues, Kure Village Way, and Kure Dunes lane) for placement of crosswalks.

SECOND - Commissioner Dugan

VOTE – Unanimous

The next project is putting thirteen (13) 'P' directional parking signs on Ft. Fisher and Dow Road. The committee needs approval at a cost of \$70 per sign for thirteen (13) signs for a total cost of \$910.00. Locations would be N Avenue and 421, K Avenue and 421, I Avenue and 421, K Avenue and 4th, K Avenue and 5th, K Avenue and Settlers, K Avenue pointing toward Joe Eakes Park and K Avenue pointing to the Corral. All are on K Avenue and Ft Fisher north and south.

Discussion:

Can we use wooden signs? (Nelder)

SLAP committee chair Tony Gonsalves said we can't use wooden signs on DOT property without their approval.

Why are you directing visitors through residential areas to get to parking? (audience)

What if you need more or less than 13? (audience)

MOTION - Mayor Pro Tem Keener made the motion to okay thirteen (13) 'P' parking signs and check with DOT about using Kure Beach approved wooden posts.

SECOND - Commissioner Nelder

VOTE – Unanimous

The next project is placing additional parking spaces on the south side of K Avenue between 3rd and 4th Avenues. This needs to be approved by DOT.

Discussion:

Are we putting parking in front of residences? (Nelder)

There is already parking there now, this will be parallel. Once DOT approves the project, we can talk to the residents. (Keener)

MOTION – Commissioner Dugan made the motion to move ahead with requesting DOT approval to add parking spaces on the south side of K Avenue between 3rd and 4th Avenues.

SECOND – Mayor Pro Tem Keener

VOTE – THREE AYES (Lambeth, Keener, Dugan) and ONE NAY (Nelder)

MOTION CARRIED

The next project is placing sidewalks on the north side of K Avenue from 3rd Avenue to Settlers Lane to Town Hall, extending the one on the south side around the corner to 7th Avenue to Joe Eakes Park (4th Ave to 7th Ave). Public Works Director Beeker estimated the cost at \$35,000. DOT is willing to give us money towards this with matching funds. I told DOT we could give \$15,000 in matching funds from Powell Bill funds.

Discussion:

Were we planning on using Powell Bill funds for anything else? (Dugan)

Yes, but there is enough money to do sidewalks, too. (Beeker)

MOTION -Commissioner Dugan made the motion to spend \$15,000 out of Powell Bill funds to match the cost of placing sidewalks on the north side of K Avenue.

SECOND - Commissioner Nelder

VOTE - Unanimous

The next project is putting one hundred (100) bumpers for parking at Joe Eakes Park Disc Golf Course and the Corral using County Parks Bond money. This requires an ingress/egress easement to be given by AT&T and adding a new K Avenue entrance to the Corral parking lot.

CONSENSUS of Council – table until details are worked out

The next project is to stripe the parking spaces on Ft. Fisher. Public Works Director Beeker passed out a letter to Council that he recommends sending to DOT asking them to do this.

MOTION - Mayor Pro Tem Keener made the motion to send the proposed letter of request to DOT to ask them to stripe the parking spaces on Ft. Fisher.

SECOND – Commissioner Nelder

VOTE – Unanimous

The next project is building a public restroom in Joe Eakes Park. This has to go to CAMA. Public Works Director Beeker said there is probably enough right of way if Council wants to do this. We wouldn't need permission from Sunny Point to place on the park property.

MOTION - Mayor Pro Tem Keener made the motion for the SLAP committee to continue to check on making a grant request to CAMA for funding for public restrooms at Joe Eakes Park.

SECOND – Commissioner Dugan

VOTE – Unanimous

The last project is to apply for the NCDOT bicycle and pedestrian planning grant initiative to possibly extend the Atlantic Avenue boardwalk south to I Avenue

Discussion:

There is property that is owned to the high water mark and beach renourishment lines that have to be discovered. (Attorney Canoutas)

MOTION – Mayor Pro Tem Keener made the motion to authorize the SLAP committee to move forward with the application for the NCDOT bicycle and pedestrian planning grant initiative to possibly extend the Atlantic Avenue boardwalk south to I Avenue.

SECOND – Commissioner Nelder

VOTE - Unanimous

d. Use of weekly email newsletter for local business advertising

Mayor Lambeth stated he wants the Town to allow local businesses to advertise via our weekly email newsletter.

Discussion:

Should be separate from Town's email newsletter. (Keener)

Should be a separate email. (Nelder)

Town Clerk Avery stated that the weekly email newsletter is time consuming to send and asked if the business section could be a separate section on the same email newsletter.

MOTION - Commissioner Dugan made the motion to allow local businesses to advertise using the Town's weekly email newsletter with the ads being in a separate section.

SECOND - Mayor Pro Tem Keener

VOTE - Unanimous

e. Consideration of application from Sandra Whaley for BOA Alternate

Discussion:

Don't we interview candidates? (Nelder)

The Town Clerk clarified the procedure is for Council to interview BOA candidates.

MOTION – Commissioner Nelder made the motion to interview applicant Sandra Whaley for BOA alternate at the next meeting as part of the agenda.

SECOND - Commissioner Dugan

VOTE - Unanimous

f. Placement of SECU ATM in Kure Beach

Mayor Lambeth stated he was contacted by the State Employee Credit Union (SECU) to place an ATM at Kure Beach Town Hall.

Discussion:

I think we should pursue. What are the fees? (Nelder)

What are benefits to the Town? (Dugan)

Will the employees use? (Lambeth)

Town Clerk Avery stated that she thought the employees would use the ATM.

CONSENSUS of Council– Mayor Lambeth to pursue the placement of a SECU ATM at Town Hall

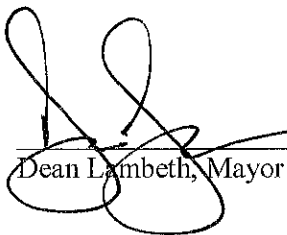
CLOSED SESSION - None

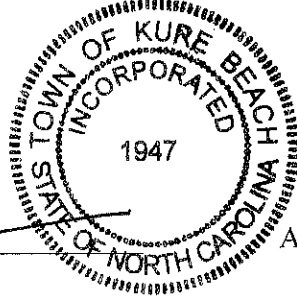
ADJOURNMENT

MOTION – Commissioner Dugan made the motion to adjourn at 9:35 pm.

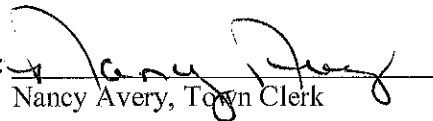
SECOND – Commissioner Nelder

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.