



TOWN COUNCIL MINUTES

REGULAR MEETING

JANUARY 18, 2011 at 6:30 pm

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Town Clerk	Nancy Avery
Building Inspection	John Batson

Town Attorney A. A. Canoutas was in attendance. There was a quorum of the Town Council present.

The Town Council of the Town of Kure Beach held their regular meeting on January 18, 2011. Mayor Lambeth called the meeting to order at 6:30 pm. Pastor Jesse Graham, Myrtle Grove First Born Holiness Church, delivered the invocation and Mayor Lambeth led in the pledge of allegiance.

RECOGNITION AND AWARDS

None

APPROVAL OF CONSENT AGENDA

1. Accept Resignation of Ron Tilmon from EOC committee
2. Designate Christmas 2011 holidays as Friday, Dec 23 and Monday, Dec 26th
(As per Personnel Policy, 2 days off to be designated by October each year)
3. Building Department report - December 2010
4. Fire Department report – December 2010
5. Police Department report – December 2010
- 9 Meeting Minutes:
 - December 12/14/10 regular
 - December 12/14/10 closed

MOTION – Commissioner Dugan made the motion to adopt the consent agenda with one addition; to advertise for three new positions on the EOC committee.

SECOND - Commissioner Nelder

VOTE – Unanimous



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ADOPTION OF THE AGENDA

Mayor Lambeth made the motion to add one item to the agenda; schedule a public hearing for 6 pm before the February Council meeting for amendments from P&Z recommended in their entirety. Chair Galbraith stated some items have already been to public hearing but there are other parts that have not been to a public hearing. Unless there is a legal issue, they want to have a public hearing on minor changes.

Commissioner Nelder asked if P&Z will be ready for the February Council meeting to hold a public hearing.

Chair Galbraith responded that they would and he would get the information for the hearing to the Town Clerk.

MOTION – Mayor Lambeth made the motion to adopt the agenda with one addition as referenced above.

SECOND – Commissioner Dugan

VOTE - Unanimous

PRESENTATIONS TO COUNCIL

1. Tara Murphy – Wilmington MPO on adoption of resolutions:
 - R11-01 - MPO resolution adopting Cape Fear Commutes 2035 Transportation Plan
 - R11-02 - MPO resolution supporting exploration of funding options to accelerate construction of Wilmington Bypass from US 17 in Brunswick County to US 421 in NHC

Ms. Murphy stated:

- Cape Fear Commutes 2035 is a plan developed by committee. It was a two-plus year process that began in April 2008.
- The plan is federally mandated and must be updated every five years.
- It is a multi modal plan meaning it includes all modes of transportation such as buses, bicycles, ferries, planes, trains and trucks. It was driven by public surveys of which thirty two hundred were received. The information was distributed throughout the region through six public open houses.
- The goal is a safe efficient transportation system in Wilmington.
- The entire plan is hundred of pages long with maps and is located on their website at www.wmpo.org.
- The plan was adopted by the Wilmington MPO on December 15, 2010 and we are asking Kure Beach to adopt a resolution adopting this plan.
- New Hanover County and Wrightsville Beach Commissioners have adopted also.

Ms. Murphy entertained questions from the audience.



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Discussion

Mayor Lambeth stated that one of the two resolutions presented to us by the MPO are for the Skyway Bridge. Taxpayers have spent two million dollars in development. Part of this resolution is to find different funding to expedite some of these projects. If we vote, then we will be voting for support of the Cape Fear Skyway Bridge, is that correct?

Ms. Murphy – Yes it is.

Commissioner Nelder – I have a problem with the Cape Fear Skyway Bridge. Most of the plan was centered around Wilmington and not the rest of New Hanover County (NHC). Was this only for Wilmington?

Ms. Murphy - No, the steering committee membership was made up of members from all municipalities and projects were based on a priority matrix.

Mayor Lambeth stated the Metropolitan Planning Organization (MPO) was established because of federal guidelines for cities with populations of 50,000.

Ms. Murphy replied that this is their long range plan and it is multi- county.

Commissioner Swearingen asked exactly where is the route for the bypass.

Ms. Murphy - Portion A takes it from Highway 17 to Highway 74/76 and is under construction now with completion expected in 2013. Portion B is from Highway 74/76 to Highway 421 and is three phases: Highway 74/76 to Cedar Hill, Cedar Hill to 421, and then pave the entire bypass.

Mayor Lambeth stated he won't support the transportation plan if the Skyway is a portion of it.

Commissioner Dugan stated he would vote for both of them, even though he does agree with the Mayor on the Skyway Bridge.

MOTION - Commissioner Dugan made the motion to adopt resolution R11-01 adopting the Cape Fear Commutes 2035 Transportation Plan.

SECOND - Commissioner Swearingen

VOTE – Carried three to one

Affirmative – Swearingen, Keener, Dugan

Negative – Nelder and Lambeth

MOTION - Commissioner Nelder made the motion to adopt resolution R11-02 supporting exploration of funding options to accelerate construction of the Wilmington Bypass from US 17 in Brunswick County to US 421 in NHC.

SECOND - Commissioner Dugan

VOTE - Unanimous

Mayor Lambeth called for a five minute recess at 7:19 pm.



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Mayor Lambeth resumed the meeting at 7:24 pm.

2. Tony Gonsalves, Chairman Shoreline Access and Parking (SLAP) committee stated:

a) Parking layouts

- Our committee received the proposal from Withers & Ravenel to provide parking layouts for Joe Eakes Park, the beach front lots from E to J Avenues, 6th Avenue between K and J Avenues and the corral, for an estimate of \$1,625.00.
- These layouts would be useful in the future in case of a hurricane where we would have to replace the parking.
- I need Council's approval to go ahead with this proposal.

Discussion

This won't include handicap spots. We spent a lot of money putting them in. (Lambeth)

Maybe we should have another bid. (Keener)

I thought the whole purpose originally was for Joe Eakes Park and the corral.

(Swearingen)

MOTION – Mayor Lambeth made the motion to contract with Withers and Ravenel for parking layouts at Joe Eakes Park and the corral only. (estimated cost of \$950)

SECOND – Commissioner Swearingen

VOTE – Unanimous

b) Extend boardwalk south to I Avenue

- Our committee wants permission from Council to look into extending the boardwalk south from K to I Avenues.

Discussion

Will you contact CAMA and property owners? (Lambeth)

Make sure the map you are using is recorded with the New Hanover County registrar.

(Canoutas)

CONSENSUS – SLAP Committee may pursue extending the boardwalk south from K to I Avenues.

3. NC Senator Thom Goolsby

Mayor Lambeth introduced newly elected NC Senator Thom Goolsby.

Senator Goolsby stated:

- Kure Beach is one of my favorite places.
- I appreciate the way you run your government.
- I would like you to work on a resolution listing local bills to be considered that you want me to introduce.
- I won't vote for anything that will put unfunded mandates on the town.
- Spending has risen 63% on taxpayers in the last few years.



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- You may call or text me at 910-262-4701

Mayor Lambeth allowed a few minutes for the audience to meet Senator Goolsby.

4. Bob Fitzsimons, Chairman Parks & Recreation committee, stated:
 - Last Saturday, we had the official dedication of the tennis courts and the first tennis mixer with 16 participants.
 - There is a finally a disc catcher at the end of the tunnel for the disc golf course. All holes have been laid out. The course is 1.8 miles long. Signs are designed to advertise sponsors. We have seven sponsors so far. We are always looking for sponsors. Cost is \$300 with a \$50 annual renewal fee. Estimated time of completion is mid February and we are planning a grand opening and tournament mid February.

PERSONS TO ADDRESS COUNCIL

1. Sandy Cox, chairman of Beach Protection committee, stated:
 - My committee has concerns about allowing advertising on the lifeguard towers.
 - We feel strongly we need to proceed with caution on this and hope it doesn't get voted in without due consideration. Has the Beautification committee been told about this as they are already concerned about existing signs? Who would be the ultimate approver of these signs? Possibly TDA money could be used for lifeguard competitions rather than the advertising. We also want to know if other towns have allowed this and, if so, what their response has been.
2. Debbie Price, member of Street Festival Committee, stated:
 - Last year, the Town mailed out letters to BB&T, Progress Energy etc for sponsorship/donations to offset costs of the festival.
 - We want the Town to do this again this year.
 - We are looking for a fireworks sponsor.

CONSENSUS – Okay for the Street Festival Committee to send the letter, using the same letter as last year, and have the mayor sign on behalf of the Town.

3. Eric Vann, resident, stated:
 - I had a health issue two weeks ago and within 3 minutes Officer Shane Holtzclaw of the Police Department was at my door with a defibrillator. A few minutes later the Fire Department arrived and about fifteen minutes later, EMS arrived.
 - I also had Commissioner Dugan and Fire Chief Hegljar at my residence.
 - It made me and my wife feel good and I thank them all.



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4. Jerry Hammill, 120 S. 4th, stated:
- The Christmas show and fireworks were great.
 - I have never been in better groups of people having fun at both shows.
 - I want to commend the Fire, Police and Public Works Departments and the Island of Lights for a good job.
 - I know you are having a retreat tomorrow. I hope taxes aren't raised, but I still want as good of services as I have had in the past.

DEPARTMENT HEAD ITEMS

Building Department –

a) Triathlon special event held every year

Building Inspector Batson stated:

- I am bringing this to Council because it seems like this event grows every year
- Last year there were four hundred and seventy four (474) participants
- It is a fairly large event and is scheduled for Sunday June 26th. The race starts at 7 am and ends at 10 am. Traffic is usually out of town by noon on Sunday. It involves closing off streets. I have received several complaints from residents about street closings, so the Police Chief and I think Council should be responsible for approving the event.

Discussion

Do we charge for our costs? (Nelder)

Batson – Yes, we charged \$2,150 last year which is the impact use fee for town land and buildings, four police officers, plus my time and that of the Police Chief's.

I hope we continue with this. The plan says they want to use the Ocean Front Park, but it may not be ready. (Swearingen)

Mary Tofflon, organizer of the event, stated:

- We want to be here because athletes love this area.
- We want you to want us to be here.
- We think this is good for the community
- Two hundred and nine (209) of the athletes are local or from Southport/Topsail Beach.
- The rest are from out of town and are not coming for the day, but coming and staying and bringing families.
- We do everything we can do to promote business in Kure Beach by linking all the motels in town on our website.
- Dow Road is open by 9am. The last runner is out by 9:24 am. The streets should be functional by 9:30 am.
- We do our best to keep to a minimum impact.
- We are always looking for volunteers. If an organization has forty (40) volunteers, we donate five hundred dollars (\$500).



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The only comment I've heard is residents are late to church. If you start earlier, that will help. (Lambeth)

I think we should allow the event, but we need to make sure citizens know about it. (Keener)

MOTION – Commissioner Dugan made the motion to allow the Triathlon on June 26, 2011.

SECOND – Commissioner Nelder

VOTE – Unanimous

b) Recordation of Sandman easement

Building Inspector Batson stated:

- The utility easement has been drawn; and I am requesting approval to have it recorded. (showed the map to Council)

Discussion

Is the easement on Beachwalk property or town property? Why are we going to the expense? (Nelder)

There is no effect on Beachwalk. We can't dam up the swell that is there. It would be nice to have an easement if it has to be cleaned up. (Lambeth)

I think half of the easement should be on Beachwalk and the other half on town property. (Nelder)

The swell follows the rear of the property, not the side. We can't block it. (Lambeth)

The water doesn't go to the swell, it goes right to the middle. Are we going to build it up so that it goes to the swell? It is Beachwalk water. (Keener)

North Carolina law says you can't run water on to a neighbor's property. (Lambeth)

I want to avoid any problem. I think the easement will help regardless of what happens to the property. (Dugan)

MOTION - Mayor Lambeth made the motion to proceed with recordation after a ten (10) foot easement is included all along the property line.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous



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OLD BUSINESS

1. Discussion and consideration of Community Center Committee request to allow vendors to serve alcohol at the Community Center

Mayor Pro Tem Keener stated that the committee discussed this again and decided they do not want to have alcohol served in the center at this time to be in keeping with the family- oriented theme of Kure Beach.

2. Discussion and consideration of acceptance of Bob Fitzsimon's resignation as chairman of the Parks & Recreation Advisory Board –tabled from December meeting

MOTION - Mayor Lambeth made the motion to table the resignation of Bob Fitzsimons again.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

3. Number of handicap parking spaces at Lutheran Church

Commissioner Dugan stated:

- A number of months ago, we voted to increase the number of handicap parking spaces at the Lutheran Church.
- Because of the fact we didn't have a definite number of spaces to add, I had Public Works Director Beeker put in one space.
- Since then I have had Public Works Director Beeker add another handicap space
- There are now three handicap spaces in front of the Lutheran Church.
- I suggest we mark the spaces on the street as handicap parking during church hours or Sundays only to benefit as many people as possible.
- These spots are on the street. Other churches have handicap parking spaces on their own lots. They are not really individual spaces but sections. All during the week, there will be nobody parking in these handicap spots.

Discussion

How would people know if there was a function at the church? (Nelder)

I am sure the church uses the Community Center parking lot and we need to find a way for the Center to use the church parking spaces too. (Keener)

We can't guarantee public parking for one purpose and not another. All parking is first come, first served. I am trying to get the maximum use of parking spots there. (Dugan)

If you do it there, you are going to set a precedent and you will have other people wanting to set limits on other handicap parking. (Nelder)



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We used up three parking spaces for handicap. We are only obligated to one handicap space to every twenty five (25) spaces. Giving the church three is great, but there should be a sign saying for church events only. There are other people that live on that block. (SLAP Committee Chair Gonsalves)

There are seven handicap spaces on that street. (Keener)

If they are handicap spots, they are that way all the time. Some towns allow churches special signs for funerals, etc. Why can't you let them put handicap signs out for Sundays? (Alan Votta, resident)

Two spaces across the street are associated with the Community Center. When there is an event at the Center and people from the pier park there, no one can say anything. Then the people going to the Center are out of parking. What's the difference from the ones at the pier? Are you saying one area needs it more than another? How does it impact any of the residents on the street? (Sandy Cox, resident)

CAMA paid for that and it is public parking. These in front of the church are going to be blocked out all week long for handicap parking for the church. I didn't say it would impact the residents on the street. (Keener)

CONSENSUS – Mark existing handicap spaces in front of the Lutheran Church to standard handicap size to see if a regular parking space may be salvaged.

4. P&Z recommendation to schedule a public hearing for possible amendments at 6 pm on February 15, 2011

MOTION – Mayor Lambeth made the motion to schedule a public hearing for possible amendments at 6 pm on February 15, 2011. (P&Z to get information to Town Clerk to advertise)

SECOND – Commissioner Swearingen

VOTE - Unanimous

Mayor Lambeth called for a ten (10) minute recess at 8:50 pm.

Mayor Lambeth resumed the meeting at 9:00 pm.

NEW BUSINESS

1. Lifeguard request to advertise on towers as fund raiser

Mayor Lambeth stated that the lifeguards are requesting permission to advertise on the towers as a fund raiser to pay for costs associated with competitions. The funding would go the Ocean Rescue/Fire Department non-profit association rather than to the Town.

Mayor Lambeth asked Town Attorney Canoutas for his legal opinion.



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Attorney Canoutas stated that the lifeguards contacted him about charging businesses to advertise on lifeguard stands and to have funds received go to their non- profit. My legal opinion is that lifeguards are paid by the Town, the towers belong to the Town and any funds derived there have to go to the Town coffers, not to a non- profit.

Discussion

I think the signs on the beach should be for a safety reason. They don't read anything out there now. I don't want to give any other excuse for not reading safety signs. We have said for years and years, we are trying to get rid of the clutter. (Dugan)

What about the dinner the lifeguards have each summer to raise funds? Does that go into Town coffers? (Swearingen)

That's the Fire Department non- profit and it is a different situation. (Attorney Canoutas)

There are two different accounts. One is the money from the Town and the other is the non profit for the Fire Department. (Dugan)

MOTION - Commissioner Nelder made the motion not to allow advertising on lifeguard towers.

SECOND - Commissioner Dugan

VOTE - Unanimous

2. Membership North Carolina Chamber

Mayor Lambeth stated we received a request to join the North Carolina (NC) Chamber. We haven't been a member in several years. The NC Chamber lobbies in Raleigh for private business.

What would be our membership charge? (Nelder)

Four hundred and seventy five dollars (\$475). We are currently over budget in governmental dues and memberships and would need to transfer from the General Fund if approved. (Town Clerk Avery)

I don't know that it negatively affects us to not join. (Dugan)

CONSENSUS – Do not join the NC Chamber

3. Special Olympics Polar Plunge February 19

Commissioner Swearingen stated:

- The Special Olympics Polar Plunge will be held on February 19th . We had many participants last year, so it brought business to the island.



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- I would like the entire Council to be there. You would need to be on the stage at 1:15 pm. It would be nice if the Council would be there at noon to help with the auction.
- New this year is a concert from 8 pm to 11 pm and beer will be served. The band "Machine Gun" is donating their time to play.

4. Community Center is now accepting nominations for the SPIRIT AWARDS Mayor Pro Tem Keener stated the Spirit Awards event is March 26th. Nomination forms are at Town Hall. The nominee must be a resident and doesn't have to be a volunteer for the Town. Deadline to submit form is March 5th.

CLOSED SESSION

MOTION – Mayor Lambeth made the motion to go into closed session at 9:15 pm for the purpose of discussing a legal matter.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

MOTION – Commissioner Nelder made the motion to return to open session at 9:25 pm

SECOND – Commissioner Swearingen

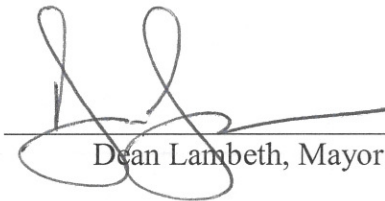
VOTE - Unanimous

ADJOURNMENT

MOTION – Commissioner Nelder made the motion to adjourn at 9:26pm

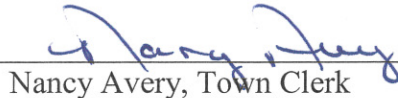
SECOND – Mayor Pro Tem Keener

VOTE – Unanimous


Dean Lambeth, Mayor



ATTEST:


Nancy Avery, Town Clerk